

Ethiopia Trade Logistics Project

Resettlement Policy Framework (RPF)

**Ministry of Transport
Ethiopian Maritime Affairs Authority**

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Acronyms

AISCO	Agricultural Inputs Supply Corporation
BP	Bank Procedures
CBOs	Community-Based Organizations
CFS	Container Freight Station
CRC	Compensation and Resettlement Committee
CSA	Central Statistics Authority
EC	Ethiopian Calendar
EIO	Ethiopian Institute of Ombudsman
EMAA	Ethiopian Maritime Affairs Authority
EPLAUO	Environmental Protection, Land Administration and Use Office
ERC	Ethiopian Railway Corporation
ERCA	Ethiopian Revenue and Customs Authority
ERTA	Ethiopian Road Transport Authority
ESIA	Environmental and Social Impact Assessment
ESLSE	Ethiopian Shipping and Logistics Services Enterprise
ETLP	Ethiopia Trade Logistic Project
FGD	Focus Group Discussion
GDP	Growth Domestic Product
GoE	Government of Ethiopia
GRM	Grievance Redress Mechanism
GRS	Grievance Redress Service
GTP-II	Second Growth and Transformation Plan
ICT	Information Communication Technology
KIIs	Key Informant Interviews
M&E	Monitoring and Evaluation
MC	Mediation Committee
MoFEC	Ministry of Finance and Economic Cooperation
NGOs	Nongovernmental Organizations
OP	Operational Policy
OSBP	One Stop Border Post
PAPs	Project Affected Persons
PDO	Project Development Objectives
PGHO	Public Grievance Hearing Offices
PIU	Project Implementation Unit
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
SIA	Social Impact Assessment
SNNPR	Southern Nations, Nationalities, and Peoples Region
WBG	World Bank Group

Executive summary

The Ethiopia Trade Logistics Project (ETLP) is designed to tackle constraints that lead to high trade logistics costs and longer transit time. The project intended to address major constraints by financing improvements to infrastructure and Information Communication Technology (ICT) systems as well as reforming policies and procedures for handling goods and traffic. As the requirement for the appraisal of the project, this Resettlement Policy Framework (RPF) is prepared and consulted upon by Ethiopian Maritime Affairs Authority (EMAA) under the Ministry of Transport. The RPF requires the implementing agency (EMAA) to screen ETLP sub-projects or possible project activities ensure consistency with World Bank's Operational Policy/Bank Procedure (OP/BP) 4.12 requirements.

For the preparation of this RPF, field visit was conducted in *Lume woreda*, east Showa zone of *Oromiya* region (where *Modjo* dry port is found). During the fieldwork, key informant interviews (KIIs), community and stakeholders consultations, and site observation were conducted. Secondary materials related to Ethiopia's land tenure and acquisition laws and regulations, socio-economic characteristics of vulnerable groups as well as the project document of ETLP were reviewed.

In case where the project or sub project requires land for further expansion, the World Bank OP/BP4.12 will be applied; and the principles outlined in this RPF will be used to manage and mitigate social risks associated with the land acquisition. Land was acquired in 2015 for the expansion of dry port in *Modjo*, and it is unlikely that significant land acquisition and property losses will occur during the implementation of ETLP or subprojects activities. However, an estimated 10 hectares of land is required to complete the rail spur (which is an associated facility of about 1.5 km length) to connect Modjo Dry Port to the Ethio-Djibouti railway and ARAP will be prepared based on the principles of this RPF. Although not funded by the World Bank, the proposed works in the Rail Spur might entail physical or economic displacement within the Right of Way (ROW), including talking of land small amounts of land acquisition and property losses for households as identified in the ESIA, and since specific location within the ROW is

not identified and captured in the project detail design drawing at this stage, this Resettlement Policy Framework (RPF) has been prepared for the purpose of establishing the principles and procedures to be applied in the event that involuntary resettlement, loss of land or other fixed asset, and or disturbance affecting livelihood or resources would arise as a result of the rail spur's association with the Project. Accordingly, the principles in this RPF will be applied in a timely manner to the rail spur activity and any other needs to acquire land in the future so as to ensure proper compensation payment, livelihood restoration and rehabilitation packages to affected people.

Involuntary resettlement causes people to be displaced from productive resources such as land including loss of shelter, loss of or limited access to resources or fixed assets, disturbance affecting livelihoods, or natural resources. The RPF is developed based on the World Bank OP/BP4.12 Involuntary resettlement policy and the relevant national legislations of Ethiopia for resettlement and compensation payment. The RPF seeks to ensure that project affected persons (PAPs) are meaningfully consulted, participated in planning, adequately compensated at replacement cost, their livelihoods restored to the extent of their pre-displacement situations. The RPF outlines the principles and objective of the Resettlement Action Plan (RAP), i.e., defines RAP preparation, review, approval, and implementation processes (Annex 5).

Community consultation was conducted primarily with the objective to inform potential project affected participants about their options and rights pertaining to land take or resettlement matters as provided in the GoE legal frameworks and World Bank OP 4.12. During consultation, community members were oriented about the purposes of the ETLP project, its components, and sub-components, the objective, principles and procedures of the RPF. The summary of the community consultation indicated that;

- Even though the project was not directly benefiting them, it has important contributions to the national development in general and the dry port hosting *kebeles* in particular. The communities have positively accepted the project highlighting its broader national contribution;

- The community members shared their past experience on resettlement matters not related with this project, particularly on delay of compensation payment for land taken during the initial establishment of the Modjo dry port and its expansion. The community members requested that any future land acquisition, compensations and other resettlement assistances should be effected in a timely manner as specified in this RPF. Any households who will encounter displacement due to the construction of the railway spur, compensation payments should be effected in a timely manner;
- The ETLP and its implementing agency should not provide unrealistic promises which they could not deliver;
- They claimed provision of some basic social services such as potable water and building *kebele* office from ETLP as a corporate social responsibility. The project should innovatively design strategies to benefit the local community in terms of employment opportunities for the youth and other community members (priority to be given to residents in dry port hosting *kebeles*);
- *Kolba Gode kebele* residents complained that they were not benefiting from the employment opportunities created in *Modjo* dry port because the port communicates with *Modjo* town administration and employees residents in town rather than people from the rural *kebele* which hosted the dry port;
- Participants indicated that community members residing around the dry port did not encounter any negative impact as a result of the influx of workers of the dry port. Discussants and interviewed people indicated that there were no any kind of thefts, conflicts, and other disturbances so far. The communities do not have any opposition or negative perception towards the dry Modjo dry port.

RAP/ARAP is required if subproject or project activity implementation leads to involuntary taking of land leading to physical and economic displacement depending on the scope of impact discussed under section 12 in the RPF. As part of the preparation of site specific RAP, socioeconomic survey and asset inventory will be conducted to determine the extent of impact of resettlement. A socioeconomic survey will be conducted by the relevant implementing agency (by hiring consultants in case lacks capacity) in collaboration with *woreda* administration with

the use of the sample socioeconomic survey format attached in Annex-2 of this RPF. The socioeconomic survey will be accompanied by a land asset inventory to identify assets that will be affected during the implementation of the project/subproject and the resettlement process.

During the resettlement process, cost effective and accessible grievance handling mechanism will be established to ensure that PAPs are able to present complaint or concerns, without cost, and/or request information with the assurance of a timely and satisfactory resolution and response of the issue. Grievances will be actively managed and tracked to ensure that appropriate resolution and actions are taken. A clear time table will be defined for resolving grievances, ensuring that they are addressed in an appropriate and timely manner, with corrective actions being implemented, and the complainant will be informed of the outcome. Grievance redress committee will be established to effectively and efficiently address complaints. The timeframe needs to be defined to resolve any project related complaints (usually within 10 days) for resolving grievances after complaints are presented to the concerned body. In this RPF, amicable dispute settlement through the traditional system will be given priority. This system is cost effective and helps to resolve disputes quickly, without resorting to the costly and time-consuming legal procedures. It should be understood that the traditional system will not replace the existing formal legal system. In case conflicts could not be addressed through the traditional amicable system, affected people would resort to the formal justice system.

Monitoring and evaluation is an integral part of this RPF. RPF and RAP implementation will be monitored and supervised to ascertain the achievement of their objectives.

Given the lack of experience and limited capacity on World Bank Operational Policies and specifically on environmental and social sustainability, targeted institutional capacity building is planned under the ETLP project, including recruitment of a dedicated Environmental and Social Officer. The project has allocated adequate resource to ensure stakeholders empowerment including training, capacity building and technical assistance.

1. Context of the Country

Ethiopia has been experiencing rapid economic growth over the past decade. According to the official data, between 2004 and 2014, on average, the Growth Domestic Product (GDP) growth is 10.9 percent per annum. The economic growth rate for the period was the fastest that the country has experienced and is above the average growth rate achieved by low-income Sub-Saharan African countries. Ethiopia's economic growth was driven primarily by structural improvements supported by the conducive external policy environment. Since then, the country's export has quadrupled in nominal terms, while volumes doubled, reflecting a substantial positive commodity price effect.

The government has recently laid out an ambitious plan, the Second Growth and Transformation Plan (GTP-II) 2015/16–2020 to sustain growth. The GTP-II is seeking to achieve growth rates of 10 percent per annum (at least) during the plan period and has a strong focus on making Ethiopia the manufacturing hub of Africa by 2025 (primarily through the expansion of light manufacturing). The government is committed to make Ethiopia join lower middle-income countries by 2025.

The provision of quality infrastructure for logistics and skills development is among the main strategies of GTP-II to achieve its intended goal. GTP-II recognizes that trade logistics as a priority area that needs transformative improvements and sustained development. Hence, the Government of Ethiopia (GoE) is working to improve trade logistics to connect Ethiopia to the global value chain, produce more and create better jobs, greater opportunities for domestic suppliers, increased exports, and higher productivity.

Since 1993, Ethiopia has stopped using Port *Aseb* in Eritrea. As a result, Ethiopia-Djibouti Corridor linking Ethiopia to the Port of Djibouti has become the most important international gateway for export and import of goods. Ethiopia is a landlocked country, expansion of dry port and equipping with modern ICT solution significantly enhances the trade operation and helps to tackle constraints that lead to high trade logistics costs and longer transit time in the country.

2. Description of Ethiopia Trade Logistics Project

2.1 Project Objective

The overall aim of ETLP is to enhance the performance of the Ethio-Djibouti corridor through improvements in operational capacity, efficiency and range of logistics services at the Modjo Dry Port. Thus, the proposed ETLP focuses in physical infrastructure investment under Component One of ETLP in Modjo and supporting feasibility study for Gelafi/Dewale One Stop Boarder Post.

2.2 Project Components

The project comprises a mix of public infrastructure at Modjo dry port, coordinated with targeted investment in ICT, regulatory and administrative reforms that improve the efficiency and coordination of logistics facilities and services. The project will also support institutional capacity building to ensure effective implementation and sustainability.

Component 1: Improvement of infrastructure at Modjo (\$100 million)

Modjo dry port is the key logistics node in the intermodal transport system that is being developed in Ethiopia. This facility will be the focus for the interconnectivity between the rail link to Djibouti and road transportation for distribution and collection of import/export goods within Ethiopia. Integrating rail and road transport from Djibouti to the hinterland through this logistics node would significantly reduce freight cost, operational delays and delivery time. Modjo dry port will also remain the main node in the road transport system linking Ethiopia to the port of Djibouti. Modjo is located at a strategic point in the system and the capacity and efficiency of logistics at this site will have a critical bearing on the performance of the trade logistics system as a whole. Given its proximity to Addis Ababa and the surrounding economy, Modjo is the most important of the logistics nodes in Ethiopia.

The investments in infrastructure at Modjo will support the facility to achieve 3 key objectives (i) to improve the efficiency of processing of current traffic flows through the dry port; (ii) to increase the capacity of Modjo to process the projected increasing volumes of trade, including

the interconnectivity between rail and road transportation, and (iii) facilitate the transformation of Modjo to become a logistics hub offering a wide of range of logistics services to exports as well as imports and so support diversification into a wider range of higher value-added exported products.

The project will support the transformation of Modjo into a Logistics Hub that will meet the increasing demand for specialized and value added logistics services. These investments are essential to support the growth of the export sector through provision of the range of value-adding logistics services that are increasingly required to integrate into global value chains. Of particular importance will be the development of services to support Ethiopia's key exports in coffee, fruit and vegetable, the textile and clothing, the leather and footwear, and the food manufacturing sector (Annex 8 provides more detailed discussion based on a summary of value chain analyses). As noted above, these sectors are dependent on the efficient processing of imported inputs as well as access to quick, reliable and low-cost logistics services for exports. Combining intermodal transfer facilities with other logistics services such as those provided by container freight station (CFS) infrastructure will expand the functionality of Modjo and strengthens the business case for investment to transform the facility into a logistics hub. These investments will also facilitate the participation of smaller firms in exporting by providing efficient logistics services, including stuffing, unstuffing and storage for part container loads, that cannot be undertaken at the producers own premises. In particular the project will support investments in a container freight station (CFS), a bulk shipment facility for bulk imports and consolidation center for bulk exports, bonded warehouses, a container storage facility for exporters and core facilities to allow for investment in other value added logistics activities such as packaging and labelling. Investments in value added services will be informed by a value chain analysis and main cargo flow analysis to determine the logistics hub functionalities and the need and appropriate role for government provided infrastructure.

The proposed project will finance the expansion and upgrading of the Modjo Dry Port through investment in the following facilities:

- (i) *An intermodal transfer facility (\$27m)*. This project will finance investments in capacity to allow efficient processing of freight to/from the rail link to Djibouti from/to destinations/origins within Ethiopia served by road transportation. These investments will be essential to ensure the seamless processing of import and export goods and to ensure that the competitive advantages from low cost rail transportation are not undermined by high costs and delays in the dry port. The project will finance a cross-docking facility and a Rail Mounted Gantry crane (RMG) to allow for efficient cargo movement from rail to trucks and truck to rail. The construction of 1.5km rail spur requires an estimated 10ha of additional land with a potential displacement of eight households. Both the construction and compensation payments will be financed by the Ethiopian Shipping and Logistics Services Enterprise (ESLSE). Although the rail spur is not financed by the proposed ETLP project, it is an associated facility and ESLSE will prepare an Abbreviated Resettlement Action Plan (ARAP) based on the principles outlined in this RPF. Most of the Right of Way for the rail spur lies within the existing property boundaries of the dry port land acquired in 2015.
- (ii) *A bulk storage and bagging facility (\$15m)*. Investments in bulk storage and bagging of bulk products, and especially fertilizers and grains, at Modjo will allow for the evacuation of these products from Djibouti and the reduction in congestion, ship waiting times and demurrage costs. The project will invest in silos and appropriate handling equipment, including bagging machines.
- (iii) *A container yard and equipment (\$22m)*. To improve the capacity of Modjo to process current traffic flows and be ready for the projected increase in trade the project will finance civil works for an expansion of the container yard, warehouses, office buildings, utilities (such as electricity, water and sewage), machinery and equipment, including cargo handling equipment such as RTGs, reach stacker and Forklifts.
- (iv) *Bonded and general warehousing (\$20m)*. Currently, imported products are stored at Modjo in containers and the containers unstuffed at final destination. The average dwell time in the dry port for a container is 60 days.¹ This leads to significant costs and delays in

¹ There is also the dwell time for containers in Djibouti, currently 10 days on average, which will also be affected by improved efficiency at Modjo.

the inefficient use and allocation of containers, in congestion in the dry port and in the management of the facility.² The current limited warehousing capacity is mainly devoted to customs inspection. The project will support investment in modern warehousing facilities to expedite the prompt unstuffing of containers at Modjo and storage of products. This investment will improve the management of containers within the port, avoiding unnecessary movements and organization of container stacks due to the long dwell times and making empty containers available to shipping lines more quickly, reducing demurrage penalties for overstayed containers. It will also help in the repositioning of empty containers for export.³ For high-value high duty products a secure bonded warehouse will be required.

(v) *A center for consolidation/deconsolidation of containers (\$16m).* Currently the logistics system is strongly geared towards the unstuffing of import containers at the premise of the importer. There is no stuffing of containers at Modjo which is partly why all containers from Modjo to Djibouti return empty. As a result small firms and firms without the capacity to load/unload containers on their site are severely hampered in participating in trade. A deconsolidation facility will also reduce the transportation of empty containers from the shipper's facility, where they are currently unstuffed, back to the Modjo dry port. The project will invest in the buildings that are necessary for the unstuffing of import containers for subsequent storage and distribution to final destination. This will enable small firms to order part container loads which are then deconsolidated on site. For exports the facility will provide for consolidation of export goods and the stuffing of export containers as well as buildings that provide for ancillary services such as packaging.

A pre-feasibility study of the improvements at Modjo is underway (expected to be ready by end October 2016) and a subsequent full design of the interventions to be supported by the project will be financed under the PPA.

² The storage fees are as follows. Djibouti Port provides 8 days free storage. Afterwards, the storage fee is USD 5.65 from the 9th to the 15th Days, USD7.05 from the 16th to the 20th; USD 8.8 from the 21st to the 25th. Modjo provides 8 free storage fee and charges 37 Birr or USD1.7 per day afterwards. In addition, there is a container detention fee. It is free for 30 days since shipment and then the detention fee varies depending on the carrier.

³ Currently, there is a large imbalance between import and export containers and the majority of containers return empty, implying the existence of significant opportunity for export stuffing. Importers also pay higher charges because of limited stuffing of exports.

Component 2: Enhancing coordination through investments in IT systems (\$15 million)

The Ethiopia logistics sector is characterized by poor coordination among logistics participants, fragmented implementation of logistics policies and the provision of low quality and unreliable logistics services. The problem is often linked to the low level usage of ICT. Continued reliance on paper documents in the exchange of official information between government agencies and the private sector means current practice is slow, unpredictable and prone to errors and omissions. Inefficient in-house business processing of information delays decision-making and release of information/decision. And yet internationally, ICT is increasingly considered as the backbone of efficient logistics systems.

Component 2 will address specific coordination failures that limit efficiency of the dry port and constrain the flow of information between stakeholders. The project will invest in 2 critical ITC based intelligent systems to reduce coordination failures and improve the efficiency of logistics provision. These systems are common features of advanced logistics systems in countries throughout the world.

Component 2A: A management information system to facilitate the provision of documents and flow of information between agencies along the corridor. (\$5m)

The project will support the development of an information system that eliminates the current practice of dispatching clerks and couriers to rush physical documents to and from government office and Port of Djibouti. The current system is extremely cumbersome, time consuming and costly. It introduces unnecessary delays and uncertainty into the supply chain. An ICT based management information system will enable the electronic flow of information required by regulatory agencies along the logistics system. ESLSE does not have an adequate ICT system. The two main systems that are used by ESLSE are SES for managing the shipping business and Sea Liner for cargo-related activities. There is no clear ICT strategy, appropriate technology, and the required investment for the freight forwarding, inland transportation, and dry port business. Consequently, too much is handled manually and communication is mainly via telephone, fax,

mail and internet. The project will finance the necessary hardware and software for an Enterprise Management information System with an efficient integration platform.

Component 2B: Logistics terminal operation system at the Modjo dry port. (\$10m)

A terminal operating system is a key part of the logistics supply chain. Such a system controls the movement and storage of various types of cargo in and around a container terminal or port and assists in the planning of use of labor and equipment. Terminal operating systems based upon ICT allow for the efficient organization of the flow of products in, out and around the terminal through a set of computerized procedures to manage cargo, machines and people within the facility to enable a seamless link between different operations within the facility. The project will support the purchase of necessary equipment, the tailoring of the system for the specific needs of the Modjo dry port and the consultancy services required for implementation of the system.

Component 3: Regulatory and Institutional Capacity Support (\$15 million)

Component 3A: Capacity Enhancement Program for the Ethiopian Maritime Affairs Authority, Logistics Transformation Office and Ethiopia National Logistics Transformation Council (\$5 million)

The efficiency with which Modjo is operated and its evolution into a modern logistics hub are determined by policy, regulatory, and capacity issues. The project will support assessments of the policy and regulatory framework that is required to ensure that Modjo becomes an effective and efficient central hub providing a cluster of logistics services demanded by exporters and importers. The project will support capacity building in the EMAA to assess the main regulatory challenges that may hamper the development of Modjo and how they can be overcome. The main objective is to identify a policy and regulatory framework by which Modjo evolves from being a facility not only for ESLSE that focuses on customs clearance but a multi-user facility whereby many stakeholders cluster together to provide modern logistics services. Support from the project will include analysis (and possibly study tours) of the logistics systems in other large

exporting countries, including in East Asia, and how the development of key logistics hubs has been influenced by policies and regulations.

The project will finance feasibility studies for One Stop Border Posts at Galafi and Dewele. More than 90% of the volume of Ethiopia's trade currently passes through the Galafi border post by road. Delays at the border add considerably to the time taken along the corridor and impact on the operation of the Modjo dry port. While processing of goods at the border post can be improved through reforms to procedures, the facilities at the border post are limited and in need of improvement. Significant investments are required to increase the speed of flow of goods and people across the border. The Joint Commission of the Governments of Ethiopia and Djibouti had agreed to improve the border posts at Galafi through a One Stop Border Post (OSBP). Dewele is the other official route from Djibouti to Ethiopia along which traffic is expected to intensify following improvements to the road. A new OSBP has been constructed by the government at Dewele for rail traffic. The Governments of Ethiopia and Djibouti have expressed an intention to also introduce an OSBP for road traffic along the Dewele corridor. The feasibility studies would focus on a baseline study which would include an environmental scan and identify site location issues and ground realities that would impact the functioning of an OSBP. The recommendations would be discussed by stakeholder workshops and analyzed by the Project's Technical Working Group.

Component 3B: Project Management, Communication and Monitoring and Evaluation (\$10 million)

This component would finance the activities of the Project Implementation Unit (PIU). The PIU would oversee the implementation of project activities, fiduciary management, monitoring and evaluation (M&E), and reporting. The continuous M&E of the implementation of policies and key programs will be a critical role of the PIU and therefore a strong emphasis will be put on capacity building.

3. Objectives and Principles of the RPF

3.1 Objectives of the RPF

This RPF serves as a guide to Ethiopian Ministry of Transport (borrower organization) to ensure stakeholders and communities are properly consulted and appropriate preventive and mitigation measures are exhaustively considered and implemented before the implementation of component one of Ethiopia Trade Logistics Project, i.e., Improvement of Infrastructures.

The objectives of the RPF are to:

1. Describe the legal and institutional framework underlying Ethiopian approaches for resettlement, compensation, livelihood restoration and rehabilitation;
2. Establish the resettlement process and compensation procedures, principles and implementation arrangements;
3. Define the eligibility criteria for identification of PAPs and entitlements;
4. Describe community consultation and participatory approaches and procedures involving PAPs and other key stakeholders; and
5. Outline the procedures for grievances redress/ handling mechanism.

Since land was already secured for the expansion of *Modjo* dry port in 2015 and most project works involve upgrading the existing infrastructures, it is unlikely that land acquisition and property losses will occur during the implementation of ETLP. However, the construction of 1.5km railway spur to connect *Modjo* dry port to the Ethio-Djibouti railway is an associated facility, although not funded by this project will require an estimated 10 hectares additional land for its construction, and the principles described in this RPF will apply and Resettlement Action Plan (RAP) will be prepared and consulted upon for any any households that will encounter displacement in accordance with the principles outlined in this RPF (see annex for the proposed outline). This RPF has been prepared and consulted up on for the purpose of establishing the principles and procedures to be applied when physical and economic displacement occur.

3.2 Principles of the RPF

This RPF adheres to the World Bank OP/BP 4.12: Involuntary Resettlement Policy. The principles of the RPF are, whenever a proposed sub-project or project activities need to acquire land and people or property is affected:

- Involuntary resettlement and land acquisition should be avoided, or where it is necessary, be minimized by exploring all viable alternatives;
- Where involuntary resettlement or land acquisition are unavoidable, resettlement and compensation activities are prepared and implemented by providing sufficient investment resources according to GoE Proclamation and Regulations and the World Bank OP/BP 4.12 requirements; and
- Persons displaced by a project need to be meaningfully consulted and appropriate mitigation alternatives should be exhaustively considered.

The RPF will be complemented by the Environmental and Social Impact Assessment (ESIA) prepared and consulted upon together with this RPF. The ESIA outlines potential environmental and social risks and proposes mitigation measures to be considered during project implementation.

4. Methodology

4.1.1 Study Sites

This RPF was developed based on fieldwork in a kebele where *Modjo* dry port is located. Hence, the data was collected in *Lume woreda* of *Oromiya* regional state, namely *Kolba Gode kebele* which hosted *Modjo* dry port. Discussion was made with *Lume woreda* and *Modjo* town administrations, *kebele* chairpersons, community elders, and community members.

4.1.2 Approaches and Methods of Data Collection

The RPF was prepared using a mixed method approach. Both qualitative and quantitative research methods were used to collect reliable information and validate from many stakeholders such as the government officials at different levels and local community members in the project areas.

Review of secondary materials was carried out to grasp the legal and regulatory frameworks of the World Bank and the GoE rules and regulation related to land expropriation and compensation. Detailed analysis of socio-economic data of visited kebeles was made. Key informant interviews (KII), community consultations and observations were undertaken to verify and validate the data obtained through triangulation.

KIIs were carried out with government officials who were responsible to, and concerned with, trade and logistic transit. KII was also conducted with farmers whose land has been expropriated for the expansion of the Modjo Dry Port and selected elders at kebele level and those community members along the the rail spur. During the fieldwork, officials and community members at woreda and kebele levels were interviewed to collect information about socio-economic characteristics of the proposed project area, vulnerable groups, land acquisition, compensation, and to know the likely risks that would affect the implementation of the project, ways by which grievances will be addressed, land tenure system, and livelihood activities.

Field observation is the second method employed during preparation of the RPF, visited the existing Modjo dry port and acquired expansion areas. Observation enabled to have a clear understanding of the areas.

Overall, public consultation was used to create general public awareness and understanding of the project, and ensure its acceptance; to develop and maintain avenues of communication between the project proponent, stakeholders and PAPs in order to ensure that their views and concerns are incorporated into project design and implementation with the objectives of reducing, mitigating or offsetting negative impacts and enhancing benefits from the project; to inform and discuss about the nature and scale of adverse impacts and to identify and prioritize the mitigation measures for the impacts in a more transparent and direct manner; to document the concerns raised by stakeholders and PAPs so that their views and proposals are mainstreamed to formulate mitigation and benefit enhancement measures (on land acquisition matters); and to sensitize kebele, woreda, local authorities, and Community Based Organizations (CBOs) about

the project and solicit their views and discuss their share of the responsibility for the smooth functioning of the overall project operations.

There are a number of stakeholders identified who will be involved during project implementation and consulted in the process of this RPF preparation. These are organizations under Ministry of Transport specifically the Maritime Affairs Authority (EMAA), Ethiopian Road Transport Authority (ERTA), Ethiopian Shipping and Logistic Services Enterprise (ESLSE), Ethiopian Revenue and Customs Authority (ERCA), Ethiopian Railway Corporation (ERC), Agricultural Inputs Supply Corporation (AISCO), and World Food Program (WFP). .

5. Project Areas, Environmental and Socio-economic Context

5.1 Ethiopian Trade Logistics Project Target Areas

Ethiopian Trade Logistics Project will be housed in the Ministry of Transport-Ethiopian Maritime Affairs Authority (EMAA). The project will be implemented to improve efficiency, capacity and the range of services at the *Modjo* dry port (located in *Lume woreda* of east Showa zone of *Oromiya* region), the key node on the Ethio-Djibouti Corridor.

5.2 Environmental and Social Context of Project Areas

5.2.1 Baseline and Bio-Physical Description

Modjo Dry Port: *Modjo* dry port is found in *Lume woreda*. The *woreda* is one of the districts found in East *Shoa* zone of *Oromiya* regional state, about 73 km to the east of Addis Ababa. *Modjo* is the town of *Lume woreda*. The *woreda* is bounded on the north by *Gimbichu woreda* and *Amhara* region, in the South by *Bora* and *Adama woreda*, in the east by *Adama woreda*, and in the west by *Liban Chukala* and *Adea woredas* of East Showa zone. Administratively, the *woreda* is divided into six urban and 35 rural *kebeles* with the total area of 75,220.32 hectares (see Annex 2 for land use and land cover of *Lume Woreda*). The urban land coverage is about 5,777 hectares.

The altitude of the *woreda* ranges between 1575-2500 meters above sea level and contains some mountain and plateaus in its southern part. Half of the *woreda* (50%) has an altitude of 2,000 meters above sea level, whereas the remaining 50% is below 2,000 meters with an average altitude of 2280 meters. Most part of *Lume woreda* is found in Great Rift Valley region of Ethiopia that has a medium rain fall distribution (300mm - 1200mm). The temperature of the *woreda* ranges between 12⁰c -28⁰c. There are different types of agro-climate zones, the major one being midland (45%), followed by highland (30%), and lowland (25%).

According to the Central Statistical Authority (CSA, 2007), the total population of the *woreda* increases at growth rate of 2.9% every year. In 2015, the total population of the district was estimated to be 110,025 residing in urban and rural *kebeles*. Of this number, 52.3% were male and 47.7% were female. The rural population was estimated at 98,431 (46,474 were male 51,757

were female), whereas the urban population accounted for 17,411 (11,594 were male and 5817 were female). Statistically, the rural population constituted about 89.5% and the urban population 10.5%. The current population density of the *woreda* is estimated to be 146 people per kilometer square.

Specifically, looking at the project affected *kebele* of *Kolba Gode*, the *kebele* has 245 households. Among these, 38 are female headed households and 207 are male headed households. The total population of the *kebele* is 2,250 individuals, of which women were 1,138 and men were 1,112. The average landholding size per household/ family in the *kebele* is 5 hectares. Ethnically, 80% are Oromo and the remaining 20% belong to the *Amhara* ethnic group.

Figure 1: Location of Modjo Dry Port

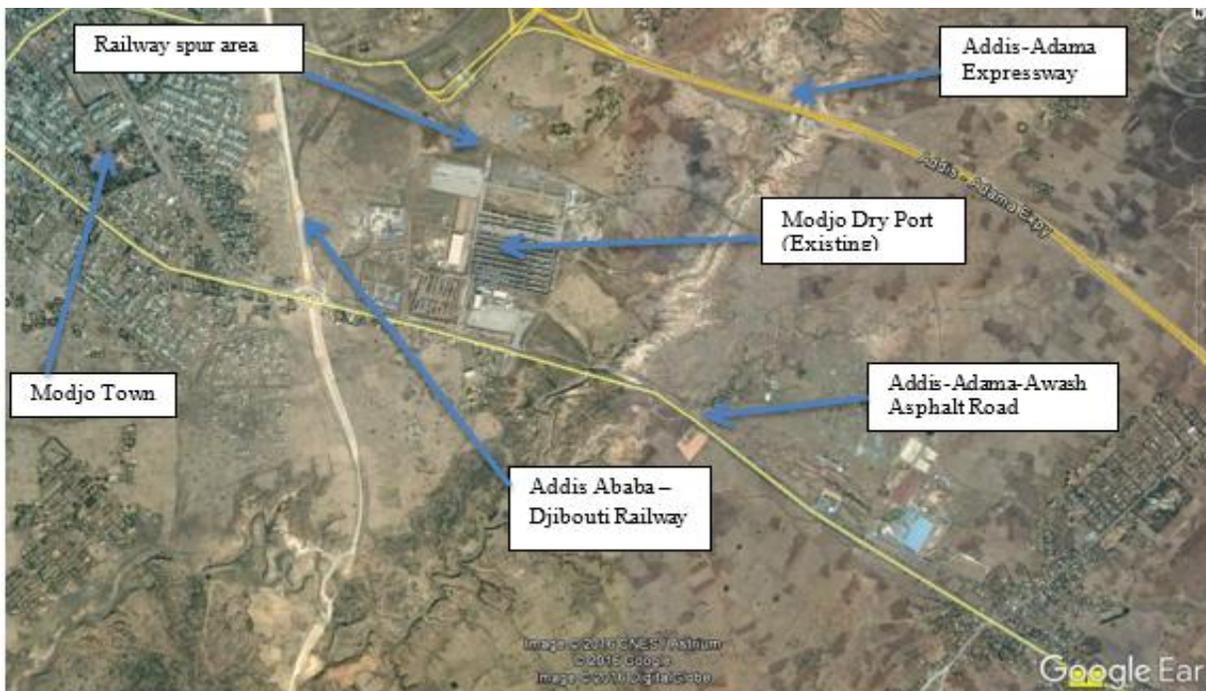
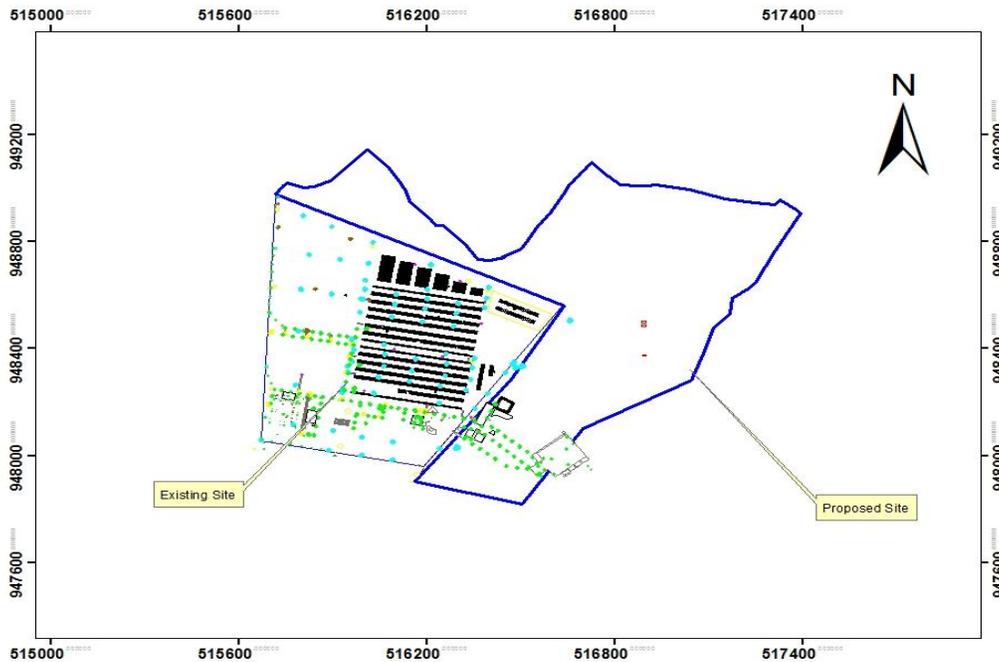


Figure 2: Map showing Existing and New Expansion Area



5.2.2 Livelihood Activities

Project areas are inhabited by rural and urban residents. Hence, the livelihood activities of the people vary significantly. The urban people are enjoying urban way of life and mainly engaged in economic activities like trading, cafeteria, shop keeping, hotel services, etc. Besides, many urban households are practicing farming to supplement their income from the nonagricultural sector. In Lume woreda, 91% of the populations are farmers. The rural residents are agrarian and depend on farming. They produce crops through rain-fed agriculture. In Lume woreda, there are some households who have irrigable land and practice small scale irrigation as well as fishing around Modjo and Awash rivers and many human-made lakes. Irrigation is practiced through traditional and modern system. Generally, the woreda has about 8,175 hectares of irrigable land, growing vegetables such as cabbage, tomato, onion, watermelon, green pepper, potato, etc.

Livestock rearing is also practiced by rural and some urban households as additional means of livelihood and for household consumption. For instance, data obtained from Lume woreda Agricultural Office shows that in 2015/16 the total number of livestock was around 241,978. Bee keeping is practiced in both traditional and modern ways. Specifically, residents in the proposed project kebele of Kolba Gode in Modjo are famers. The major means of their livelihood is derived from agriculture and they make their living on the cultivation of crops. The main crops produced in Kolba Gode area include ‘teff’, wheat, barley, maize, etc. There are also pulses like bean, peas, chick pea, etc. Besides, there are subsidiary livelihood activities practiced by all farmers in the two kebeles such as rearing animals (cattle, sheep, goats, donkey, etc), working as daily laborer, etc.

5.2.3 Vulnerable Groups and Support

There are vulnerable groups among the population in the project areas such as landless youth, women-headed households, households headed by elderly, terminally ill heads of household, households with relatively larger family size, and destitute households having large number of dependents.

Hence to benefit the vulnerable groups from ETLP, livelihood restoration and rehabilitation activities will be required while preparing site specific RAP. The income restoration measures will target the vulnerable segments to maintain their quality of life and ensure that they are properly supported to overcome the potential adverse social and economic impacts from ETLP. During monitoring and evaluation of the RAP, special attention will be given to the impact of resettlement on vulnerable groups and livelihood restoration activities done for these groups of the society.

6. Community and Stakeholders Consultation

6.1 Consultation Objective

Community consultation was conducted primarily with the objective to prepare an acceptable RPF based on assessment of ETLP's activities that may in the future involve land acquisition and involuntary resettlement while ensuring consistency with OP 4.12 requirements of the World Bank. During the consultation Modjo dry port hosting community members were oriented about the RPF and World Bank resettlement procedure during project implementation.

6.2 Consultation Process

Community consultation was facilitated in collaboration with assigned personnel from *Modjo* dry port. *Lume Woreda* Administration Agriculture Offices has greater role in facilitating and organizing community members for consultation. They have communicated with Chairperson of the specific *kebele* hosting the dry port to mobilize the community members and farmers. In the *kebele*, community members- men and women, youths and elderly- have taken part. The consultation was made with in Amharic language since all community members well speak and understand the language. Besides, those who want to speak in Oromo language were allowed to speak in Oromo since one of the team members can speak the language. The community consultation was undertaken in *Kolba Gode kebele* of *Lume Woreda* which hosted Modjo Dry Port from 01 – 03 August 2016.

Before the consultation days, the kebele development Agent, kebele Chairperson, and kebele manager were meet together with experts from Lume Woreda Land Administration office and informed about the purpose of the consultation and to summon all people in their kebele to attend the meeting. A day before the consultation was conducted all the communities were informed to attend the consultation by these kebele team members. The consultation was carried out with a total of 33 people (28 male and 5 female) in *Modjo* (see Table 6.1 below). The consultation participants are representative of the population since there is no significant difference among the residents because they are all farmers and about 30 percent of farmers who were directly impacted by the 2015 land acquisition for the expansion of the dry port were involved as well as

people from both sex, elderly, and youths were taken part in the consultation. Key informant interview was conducted with six community members (four male elders and two women) in the kebele, besides the interview conducted with five government officials of Lume woreda and Modjo town Administrations.

Discussion guiding questions were developed and used during the consultation. Besides, photo camera was also used to capture the picture of consultation participants. The camera was used after having consent of the participants to get photographed and the picture captured was integrated with the ESIA report.

Table 6.1: Number of Public Consultation Participants

Regions	# of Woreda	# of Kebeles	Public Consultation Participants		Total
			Female	Male	
<i>Oromiya</i>	1	1	5	28	33

All consultation participants expressed their views regarding the project and sub-component activities. Besides, the consulted community members were allowed to reveal their pressing problems including their concerns and worries during the implementation of the proposed project.

6.3 Summary of Views and Concerns of Community Members during Consultation

Community consultation was conducted primarily with the objective to prepare an acceptable RPF based on assessment of Ethiopia Trade Logistics Project’s activities that may in the future involve land acquisition and involuntary resettlement while ensuring consistency with OP 4.12 requirements of the World Bank. During the consultation, community members were briefed about the purposes of the ETLP project, its components, and sub-components, and the objective, principles and procedures of this RPF. The summary of the community consultation and concerns raised and responses provided by the proponent and the Consultant have been summarized and presented below:

In Modjo, the community specified their past experience on delay of compensation payment in other projects including the ETLP expansion in 2015, private factories/companies, warehouses, and some agro-processing industries. If the ETLP needs to acquire land in the future, compensations and other resettlement assistance should be effected in a timely manner as specified in the principles of this RPF. The project responded that the World Bank was not involved in the 2015 land acquisition and this project will be guided by the World Bank operational policy on land acquisition; including the rail spur being financed by the ESLSE and related civil work activities. Due to the World Bank's involvement/agreement, including monitoring of the implementation of RPF and RAP, ETLP is unlikely to delay compensation payment.

The community requested that ETLP and its implementing agency should not provide unrealistic promises which they could not deliver. The project responded that it will ensure that adequate information is disseminated to communities affected by the project and facilitate community public meeting, through a simple democratic process with a view to sharing all project related information and reporting on progress, and eliciting community concerns on any aspect of the project for prompt communication as well as the project PIU will be available to meet with members at all times to hear and resolve any issues that may arise during preparation and implementation. Government also informed the community that compensation delay issue has been solved by involving delegates from ESLSE (who owns Modjo dry port and paying the compensation), Modjo Town Municipality administrator (who is in charge of transferring the compensation to affected people's account, Lume Woreda Administrator (who conducted the valuation of compensation and responsible to administer Kolba Gode Kebele) and the affected people and details for the compensation delay and consensus reached is captured in the ESIA.

- The community members claimed provision of some basic social services such as potable water and building *kebele* office should be seen as a corporate social responsibility from ETLP. The project should innovatively design strategies to benefit the local community in terms of employment opportunities for the youth and other community members (priority to be given to residents in dry port hosting *kebeles*). The project responded that

it has developed a social development plan to address community concerns, including allocating ETB 10 million birr for the for local development projects that will benefit the youth and community members;

Kolba Gode kebele residents complained that they were not benefiting from the employment opportunities created in *Modjo* dry port because the port communicates with *Modjo* town administration and employees resident in town rather than people from the rural *kebele* which hosted the dry port. The project informed the community that as part of its project implementation, it will conduct needs assessment of the PAPs and allocate resources to help them restore their livelihoods and benefit from project activities

- Participants indicated that community members residing around the dry port did not encounter any negative impact as a result of the influx of workers of the dry port. Discussants and interviewed people indicated that there were no thefts, conflicts, and other disturbances so far. The communities do not have any opposition or negative perception towards the dry port. The project agreed to allocate resource for continuous awareness raising and training on HIV/AIDS and availing condoms on regular bases for construction workers and the larger community.

Overall, the project proponent informed the community of the e possibility of creating employment opportunities and livelihood restoration and rehabilitation for dry port hosting communities and youths (see the ESIA for proposed budget of livelihood restoration and rehabilitation). The consultant also informed the community that the project was able to verify the documentation, process, valuation and entitlement provided for people during the land acquisition process in 2015. The detailed discussions of findings of due diligence assessment and mitigation measures are included in the complementary ESIA and in the ESMP prepared for the Ethiopia Trade Logistics Project.

7. Legal and Institutional Frameworks Relevant to RPF Implementation

This section presents GoE's laws and regulations regarding land use and expropriation; trade, dry port and logistic as well as World Bank Operational Policy on land acquisition and resettlement. It also highlights Ethiopia's proclamations on trade, dry port and logistic regulation and grievance redresses mechanism to be used in this RPF.

7.1 Ethiopia's Regulations on Trade, Logistics, and Dry Port

The Constitution (Proclamation No.1/1995) is the supreme law of the country. It contains different provisions to protect the rights of citizens recognizing the importance of social development and sustainable development in the political, social and economic development sectors. The Constitution is the source of, and the springboard for all other laws enacted at national and regional levels in the country. Each law promulgated in each region should be in line with the Constitution.

The Constitution also depicts the powers and functions of the federal government (Article 51), where, sub-article (9) proclaims the federal government's power to develop and administer dry ports in the country. It states that the federal government "shall be responsible for the development, administration and regulation of air, rail, waterways and sea transport and major roads linking two or more States ...". Besides the Constitution, the Ethiopian Maritime Affairs Authority under the umbrella of Ministry of Transport has produced different proclamations, directives, and guidelines related to dry port and logistic Administration.

The Ethiopian Maritime Affairs Authority has enacted the following Proclamation and Regulations that are related to trade logistic, dry port, shipment, and transit services. These are:

- ✓ Ethiopian Shipping and Logistics Service Enterprise Establishment Council of Ministers Regulations No. 255/2011
- ✓ Proclamation No. 588/2008: A Proclamation to Define the Liability of the Dry Port to the Consignee
- ✓ Dry Port Administration Enterprise Establishment Council of Ministers Regulations No. 136/2007
- ✓ Proclamation No 549/2007: Maritime Sector Administration

- ✓ Proclamation No 548/2007: Multimodal Transport of Goods
- ✓ Freight Forwarding and Ship Agency License Issuance Council of Ministers Regulations No. 37/1998

Besides these proclamations, Ethiopia has formulated new policy documents to regulate and manage the dry port, export, import, multimodal system, and bulk shipment. The new policy documents include Import Directive (2012/13), Export Directive (2012/13), Bulk Shipment Directive (2012/13), and the Dry Port Directive No. 5/2007 were enacted to regulate the fast flow and the proper protection of goods in the dry port.

Among these proclamations and regulations, mainly one proclamation and one regulation: i) Dry Port Administration Enterprise Establishment Council of Ministers Regulation No. 136/2007; and ii) Proclamation to Define the Liability of Council of the Dry Port to the Consignee Proclamation No. 588/2008 were enacted for the effective administration of the dry ports in Ethiopia. According to Regulation No. 136/2007 the Enterprise is established to operate dry ports with the following specific purposes:

- ✓ Provide the services of loading and unloading and storage of imported and exported goods;
- ✓ Provide the services of stowing and unpacking (stuffing and de-stuffing) of containerized export and imported goods;
- ✓ Provide container depot services; and
- ✓ Engage in other related activities conducive to the achievement of its purposes.

Proclamation No. 588/2008 enacted to define the liability of Council of the Dry Port to the Consignee pin downs dry port's basis of liability as "the dry port shall be liable for the loss, damage or delay in delivery of the goods while under its custody" (Article 4, sub Article 1).

7.2 Land Administration Legislations in Ethiopia

Article 40(3) of the 1995 Constitution of Ethiopia recognizes land as a common property of the people of Ethiopia and prohibits sale or any other form of exchange of land. However, users of land have the right to develop properties over the land and ownership of his/her possessions

which are the fruits of his/her labour. The Constitution under Article 40(7) strengthens this stating that “every Ethiopian shall have the full right to the immovable property he/she builds and to the permanent improvements he/she brings about on the land by his/her labour or capital. This right shall include the right to alienate, to bequeath, and, where the right to use expires, to remove his/her property, transfer his/her title, or claim compensation for it.”

The Federal Government has enacted Proclamation No. 89/1997 of Rural Land Administration for implementing provisions in the Constitution. This proclamation reaffirmed the land use rights of farmers and provided that use rights over land can be inherited, donated, leased and rented, but cannot be mortgaged. The 1997 Proclamation under Article 2 sub-articles 3 defines holding rights as “the right any peasant shall have to use rural land for agricultural purposes as well as to lease and, while the right remains in effect, bequeath it to his/her family member; and includes the right to acquire property thereon, by his/her labor or capital, and to sell, exchange and bequeath same”.

These provisions of the proclamation are quite different from the 1975 proclamation in that it denied farmers these same rights. Under the proclamation, Regional State Councils are given the power to enact a law on rural land administration. Hence, the regional states have enacted their own rural land administration proclamations (and their respective Constitutions) in line with the Federal Constitution. Regional Governments have promulgated their own respective rural land proclamation. For instance, *Tigray* Regional State enacted its rural land administration in 1997⁴, followed by *Amhara* Regional State in 2000⁵, *Oromiya* Regional State in 2002⁶, and SNNPR in 2004⁷ (Solomon et al., 2006). The Benishagule-Gumuz region has recently issued its Rural Land Administration and Use Proclamation No. 85/2010. Other regional states are using the federal land proclamation and not yet endorsed their regional rural land administration regulations.

⁴ *Tigray* National Regional State Land Use Proclamation No. 23/1989 EC (1997)

⁵ *Amhara* National Region Rural Land Administration and Use Proclamation No. 46/2000

⁶ *Oromiya* Rural Land Use and Administration Proclamation No. 56/2002

⁷ SNNPR Rural Land Administration and Use Proclamation 2004

According to the constitution, the use rights over “holding land” are open and no time limit on this usufruct as long as the subject to a proof of permanent physical property, ability to farm continuously and meet administrative dues and obligations (Article 40(3)). Furthermore, Proclamation No. 89/1997 confirms and details the Constitutional principle that holding rights on land can be assigned to peasants and pastoralists. The Constitution (Article 26) protects against unlawful seizure of property, stating “Everyone shall have the right to his/her privacy and physical integrity”. The Constitutions under Articles 40(4, 5) stipulates the provision of free land for farmers without payment.

In addition, Proclamation No. 456/2005 which repealed Proclamation 89/1997 on Rural Land Administration and Land Use Proclamation establishes the following:

- It confirms the Constitution principle that land is a common property of the Nations, Nationalities and Peoples of Ethiopia, and that it cannot be subject to sale or exchange;
- It establishes the principles of rural land administration, which devolved to the Regions;
- It recognizes the lawfulness of “holding rights” over land;
- It confirms the principle that holding rights on land can be assigned to peasants and pastoralists, and that these are to be secured from eviction and displacement;
- It provides various details with respect to redistribution of land, including that this redistribution is a Region responsibility; and
- It establishes the possibility for Regions to perceive fees for the use of land and forest.

The Proclamation No. 456/2005 recognizes rural land use right of farmers with no time limit. It states that “the rural land use right of peasant farmers, semi-pastoralists and pastoralists shall have no time limit” (Article 7(1)). The proclamation stipulates land measurement, registration, and provision of holding certificate for holders. As per the proclamation, the sizes of rural lands under the holdings of private persons, communities, governmental and non-governmental organizations shall be measured as appropriate using cultural and modern measurement equipment by competent authorities established at all levels.

The proclamation also recognizes the right of farmers to transfer their land use right (Article 8). According to the proclamation No. 456/2005, peasant farmers, semi pastoralist and pastoralist who are given holding certificates can lease to other farmers or investors land from their holding of a size sufficient for, the intended development in a manner that shall not displace them, for a period of time to be determined by rural land administration laws of regions based on particular local conditions. The exact hectare indicating the minimum rural land holding size is not indicated in the proclamation. However, minimum rural land holding size is described qualitatively as: "‘minimum size holding’ means size of rural land holding the productivity of which can ensure the food security of a peasant and semi-pastoralist and pastoralist family, or which suffices for crop farming, perennial crop farming, grazing, house construction and garden".

The GoE has enacted proclamation to administer urban lands; Urban Lands Lease Holding Proclamation No. 721/2011. The Proclamation gives priority to the interest of the public. It states that “the urban lands delivery system shall give priority to the interests of the public and urban centres to ensure rapid urban development and equitable benefits of citizens and thereby ensure the sustainability of the country’s development” (Article 4 (4)).

7.3 Land Expropriation and Citizens Right in Ethiopia

The Constitution of Ethiopia up holds the right of users not to be forcefully evicted and displaced from their landholding. It protects citizen’s rights to private property and set conditions for expropriation of property for public interest. Citizens have the right to immovable properties on land under their holding. The Constitution states that “every Ethiopian shall have the full right to the immovable property he/she builds on the land and to the improvements he/she brings about on the land by his/her labour or capital” (Article 40). The Constitution gives the right for the government to expropriate private rights over land: “without prejudice to the right to private property, the government may expropriate private property for public purpose” with prior payment of adequate compensation (Article 40 sub article 8). Article 44(2) of the Constitution stipulates that all people who have been displaced or whose livelihoods have been adversely

affected as a result of State programs shall have the right to receive adequate monetary or other alternative compensation, including transfer with assistance to another locality.

In Ethiopia, in line with the Government's policy of decentralization, the key institutional actors involved in resettlement are the local governments at the *woreda* and *kebele* levels⁸. According to Proclamation No. 455/2005, the power to expropriate landholdings for a development project belongs to *woredas* (rural local administration) or urban administration in towns and cities. Article 3 of this proclamation states "a *woreda* or an urban administration shall, upon payment in advance of compensation in accordance with this Proclamation, have the power to expropriate rural or urban landholdings for public purpose where it believes that it should be used for a better development project to be carried out by public entities, private investors, cooperative societies or other organs ...". The implementing agent is required to provide written notification, with details of timing and compensation, which cannot be less than 90 days from notification (Proclamation No. 455/2005, Article 4). Any entitled landholder who has been served with an expropriation order shall hand over the land to the local *woreda* or urban administration within 90 days from the date of payment of compensation should the leaseholder accept payment. Furthermore, where there is no crop or other properties on the expropriated land, the titleholder shall hand over the land within 30 days of receipt of written expropriation order. Lastly, Article 4 (3) gives power to use police force if a landholder is unwilling to hand over land provided that the compensation amount deposited in a designated bank account.

The responsibilities of the federal and regional governments are confined to the actual project's implementation. Agencies that tend to be included are the federal ministries and regional bureaus of Finance and Economic Cooperation and the ministries associated with the sector of the project like the Ministry of Transport in this case. For the detail of the responsibility of the CRCs, see section 12.4 (Table 12.2) of this RPF.

⁸ *Woreda* Compensation and Resettlement Committee (CRC) and *Kebele* CRC

The implementing agents are responsible for gathering data on the land needed and works to be done, and sending this information to the appropriate officials for permission. It is also required to compensate affected landholders (Proclamation No. 455/2005, Article 5). For example, regarding the removal of utility lines such as water pipes, electricity lines, telecom cables, etc, the project client must give a written request to the affected utility management institution. Regarding compensation to affected utility management institution, the responsible body must determine a fair compensation within 30 days (Proclamation No. 455/2005, Article 6). Compensation must be paid within 30 days of the receipt of the valuation, and the utility management institution must vacate the land within 60 days of receipt of compensation.

7.4 Compensation during Land Acquisition

As indicated above, the Constitution gives the power to the regional states to expropriate private property for public use with prior payment of compensation. Land valuations are often done at the *woreda* levels. The local governments establish valuation committees to value private properties (Proclamation No. 455/2005). The landholder is entitled to be compensated for the property on the basis of replacement cost (based on current market price). Permanent improvements to the land, equal to the value of capital and labour expended (Proclamation No. 455/2005 Article 7), are specified as valid basis for determining replacement value. It is clearly indicated that depreciation values will not be factored during calculation/valuation of affected property. Where property is on urban land, the law specifies that compensation “may not be less than constructing a single room in low cost house as per the region in which it is located.” It is also required that the cost of removal, transportation, and erection be paid as resettlement assistance for a relocated property, continuing its service as before. Compensation will also be based on current cost, cost of demolishing, lifting, and reinstalling (Proclamation No. 455/2005 Article 7).

Proclamation No. 455/2005 classified assets as movable and immovable. For movable assets, compensation will be paid for inconvenience and other transition costs (Article 7(2)). Urban immovable assets include residential houses, business installations, institutional structures, stores, fences and public service providing installation. In rural areas, they include seasonal crops, perennial fruit trees, timber trees and other cash crops.

For losses that cannot be easily valued or compensated in monetary terms (for instance, access to public services, grazing areas, etc.), an attempt will be made to establish access to equivalent and culturally acceptable resources and earning opportunities (Proclamation No. 455/2005 Article 7(2)). In addition to compensation, according to Proclamation No. 455/2005 Article 7, displacement compensation shall be paid equivalent to ten times the average annual income he/she secured during the five years preceding the expropriation of the land. Compensation will be in an amount sufficient to reinstate displaced people to their economic position prior to displacement. The same proclamation mandates the relevant local administration to provide land as compensation to any person who lost his/her land in favour of a public project.

In general, valuation of property is to be carried out by a certified private or public institution or private consultants as per the valuation formulae (Proclamation No. 455/2005 Article 9). Article 9 of this proclamation states that the property situated on a land to be expropriated shall be valued by a committee of not more than five experts having the relevant qualification and to be designated by the respective *woreda* and urban administration.

The local and federal governments have different roles in compensation. The *woreda* and urban administrations are responsible that compensation is paid and ensuring rehabilitation support to the extent possible, and maintain data regarding properties removed from expropriated landholdings (Proclamation No. 455/2005 Article 13).

The GoE Council of Ministers has enacted a regulation regarding the assessment of compensation for assets situated on the land. Assets will be detailed into components to calculate the value of the asset. Accordingly, assets on land include buildings, fences, crops (including perennial crops), trees, protected grasses, mining licence, burial-grounds, and relocated property (Regulations No. 135/2007). The assessment of compensation does not include the value of the land itself because land is a public property and not subject to sale in Ethiopia.

Article 13 of this regulation has set the formula to be used for valuating compensation. Crops are subdivided into crops and perennial crops, and calculated based on yield per square meter of land multiplied by price per kilogram. Components for building costs include cost per square meter. Trees could be cut and used by owner plus payment of compensation for loss of continued income. The cost of machinery, labour for improvement, and any infrastructure as part of the improvement will be compensated based on current costs in the market. Property relocation is based on the cost to relocate given it is not damaged while moving. The amount of compensation for loss of land that is used for grazing or production of grass is based on the area of land and the current price per square meter. Detailed instructions for compensation are included within Regulation No. 135/2007 (Annex 8) and Proclamation 455/2005 (Annex 7).

7.5 World Bank OP 4.12 Involuntary Resettlement Policy

The World Bank's Operational Policy OP 4.12 applies to Component one⁹ (*Improvement of Trade Related infrastructures at Modjo*) of Ethiopia Trade Logistic Project. Bank's policy protects all economically and/or physically affected persons regardless of the number of people affected, the scope of impact and the legal title of the landholding. The OP 4.12 further requires particular attention to the needs of vulnerable groups such as the poor, landless, elderly, women and children, underserved groups, ethnic minorities and other disadvantaged peoples.

The World Bank's Policy requires that a site specific RAP shall be prepared and cleared by the Bank prior to implementing resettlement activities. The Bank also requires that the provision of compensation and other assistance to PAPs, to restore livelihoods when these are affected appreciably, shall be done prior to displacement of people. In particular, the policy requires that possession of land for project activities may take place only after compensation has been paid. Resettlement sites, new homes and related infrastructure, public services and moving allowances must be provided to the affected persons in accordance with the provisions of the RAP to be prepared as per the principles and procedures outlined in this RPF.

⁹ Component two: enhancing coordination through investment in information technology systems and component three: regulatory and institutional capacity support does not involve acquisition of land, restriction of access to resources.

7.6 Gaps between Legislation of Ethiopia and the World Bank OP 4.12

This RPF was prepared and consulted up on based on the existing national laws on expropriation and compensation payments and World Bank's OP4.12 on Involuntary Resettlement to ensure the interest of communities and stakeholders and mitigating the potential negative impacts of activities of ETLP. There are some gaps between the Ethiopian laws and regulations on land acquisition and expropriation requirements for resettlement as laid out under OP/BP 4.12.

1. OP/BP 4.12 requires that compensation be completed prior to the start of the project, there are no similar timetables set out in Ethiopian laws or regulations;
2. Proclamation 455/2005, the landholder whose land to be expropriated shall handover the land within 90 days from the date of payment of compensation;
3. Ethiopian law does not make any specific accommodation for squatters or illegal settlers, than recognition of some use-rights, such as when settlers can claim rights to the land;
4. OP/BP 4.12 requires that affected communities should also get the opportunity to be consulted, participate, implement, and monitor the resettlement process;
5. Ethiopian law states that, when it is determined that a right of way must be established, the expropriation rights of the State take precedence, irrespective of the Constitutional provisions on the individual's use-rights;
6. Ethiopian laws has no specific provision to accommodate the potential adverse impacts of development projects for vulnerable groups;
7. World Bank's OP 4.12, has provision on vulnerable groups and identified these groups at higher risk to experience negative effects due to resettlement, and should receive special consideration including livelihoods restoration.

The following strategies will be followed to bridge the gaps mentioned above and address the negative impacts of the resettlement activities on the affected groups:

1. Conduct need assessment of the PAPs and allocate adequate resources to livelihoods restoration and equitable benefit from the ETLP project activities;

2. Ensure commensurate capacity building based on the need assessment to ensure achievement of livelihood restoration objectives and provide technical support;
3. Create employment opportunities with priority given for economically/physically displaced households with large family size and women headed households;
4. Organize vulnerable groups in small and medium enterprises or associations and engage in income generation activities including capacity building;
5. ETLP civil works should not start without payment of compensation to the PAPs;
6. Squatters or illegal settlers will be entitled to the impact on the property, and resettlement assistance including moving allowance and livelihood restoration;
7. Follow up and monitoring of the resettlement and livelihood restoration activities.

Details on the comparative analysis of Ethiopian law on land acquisition and World Bank's OP/BP 4.12 and recommended measures to address the gaps is presented in Annex 5 of this RPF.

8. Eligibility and Entitlement for Compensation

8.1 Eligibility Criteria for PAPs

The involuntary taking of land may result in relocation or loss of shelter; and loss of assets or access to assets or loss of income sources or means of livelihood, whether or not the people in the proposed project area must move to another location or not. Meaningful consultations with the affected persons, local authorities and community leaders will therefore allow for establishment of criteria by which economically and physically displaced persons will be considered eligible for compensation and other resettlement assistance.

The Constitution (Article 44 sub article 2) and Proclamation 455/2005 present Ethiopian legal framework for eligibility for compensation. These two legal documents give entitlement only to those who have formal legal rights over holdings (properties). They will only qualify for the compensation if they occupied the project area prior to a cut-off date established by the Compensation and Resettlement Committees.

8.2 Eligibility to Land for Land Compensation

Article 8 sub-articles 3 and 4 of Proclamation 455/2005 grants land for land compensation to PAPs who might lose their land with formal/legal use rights over the land. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. PAPs who are entitled for compensation under the Ethiopian legislation will be compensated for assets they developed and situated over the land they lose, and other assistance ensuring that they are (i) informed about their options and rights pertaining to resettlement; (ii) consulted and provided with technically and economically feasible resettlement options; and (iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.

8.3 Eligibility for Community Compensation

It is important to note that eligibility may also be claimed collectively, as a community or religious group, when the assets lost are of communal property or use. Communities on communal land that permanently lose land and/or access to assets and/or resources under statutory or customary rights will be eligible for compensation. If this occurs during project implementation, the community (as a whole) will be compensated. The compensation will be in

the form of reconstruction of the facility (in case of damages) or replacement of at least equivalent or better standard required by local planning regulation. The compensation will be on priorities of communities to be identified during the planning process. Example of community compensation could be public toilets, market places, school buildings and health centres, religious centres, sacred sites, community centres, grazing areas or access to alternative source of natural resources to restore their livelihoods.

8.4 Eligibility for Loss of Assets

Loss of property/assets includes loss of building houses, crops, trees, fences, and fixed improvements and structures which should be compensated at replacement value, negotiated settlements, productivity valuation, material and labour valuation. Compensation for loss of property will be as per Proclamation 455/2005 (Expropriation of Landholdings for Public Purposes and Payment of Compensation which establishes the legal principles and framework for expropriation and compensation), and Council of Ministers Regulations 135/2007 (Payment of Compensation for Property Situated on Landholdings Expropriated for Public Purposes).

Article 40, sub article 3 of the Ethiopia Constitution states that *'the right to ownership of rural and urban land, as well as all natural resources, is exclusively vested in the State and in the peoples of Ethiopia. Land is a common property of the Nations, Nationalities and Peoples of Ethiopia and shall not be subject to sale or to other means of exchange.'*

Proclamation 455/2005, Section 3, article 7 sub article 1, states that, *'a landholder whose land holding has been expropriated is entitled to payment of compensation for the property situated on the land and for permanent improvements made to such land'*.

In Ethiopia, land for land is the preferred option. However, if land is permanently expropriated without replacement land, the compensation payment will be calculated taking five years average prices before the expropriation of the land and multiplied by projected 10 years.

Proclamation 455/2005, Section 3, article 7 sub article 2, indicated that, the amount of compensation for property situated on the expropriated land shall be determined on the basis of replacement cost of the property. Thus, valuations are made for the property, improvements on the land and products.

The compensation for property lost will include improvements on the land. The amount of compensation for property situated on the expropriated land shall be determined on the basis of replacement cost of the property. The cost of removal, transportation and erection shall be paid as compensation for a property that could be relocated and continue its service as before. Resettlement assistance will also be paid for moving the property situated on the expropriated land.

Displaced persons without legal title, besides compensation at replacement cost for lost assets, will be enabled to maintain their livelihood and assisted to secure accommodation through i) identifying livelihood restoration activities; ii) capacity building training and technical support to participate/engage on different livelihood activities; and iii) participating in different income generating activities created/facilitated by the project.

8.5 Compensation for temporary losses

Households facing temporary loss of land will be treated as per the provision of Proclamation 455/2005. According to Proclamation 455/2005 (Article 8 (2), a landholder whose landholding has been provisionally expropriated, shall be paid until repossession of the land, compensation for lost income based on the average annual income secured during the five years preceding the expropriation of the land.

8.6 Entitlement for Compensation

In Ethiopia, eligibility for compensation is given only to those who have formal legal use rights over their land holdings (properties). Proclamation No 455/2005, Article 2 (3) stipulates that “*landholder*’ means an individual, government or private organization or any other organ which has legal personality and has lawful possession over the land to be expropriated and owns property situated thereon.” According to Article 7 (1 & 2), “a landholder whose holding has been expropriated shall be entitled to payment of compensation for his/her property situated on the land and for permanent improvements he/she made to the land”. “The amount of compensation for property situated on the expropriated land shall be determined on the basis of the replacement cost of the property”.

8.7 Compensation Entitlement Matrix for Various Categories of PAPs

Based on the comparison between Ethiopian Law and World Bank OP/BP 4.12, compensation entitlement matrix has been consulted up on and agreed (Table 7.1). Based on the consultation, the entitlement matrix has options to bridge the gaps between the requirements under Ethiopian Law and the World Bank OP/BP4.12. Some issues in the entitlement matrix will be revised or determined at the time the resettlement plans are being negotiated and prepared.

Table 7.1: Entitlement Matrix

Type of Loss	Types of Impact	Category of PAPs	Compensation Entitlement/Benefits
Agricultural land	<ul style="list-style-type: none"> PAPs permanently losing less than 20% of landholding affected (Land remains economically viable) 	<ul style="list-style-type: none"> Title holder (farmer) 	<ul style="list-style-type: none"> Cash compensation for the harvest or product from the affected land or asset, equivalent to ten times (ten years) the average annual income s/he secured during the five years preceding the expropriation of the land.
		<ul style="list-style-type: none"> Renter/ Lease holder/ 	<ul style="list-style-type: none"> Cash compensation for the harvest or product from the affected land or asset, equivalent to ten times (ten years) the average annual income s/he secured during the five years preceding the expropriation of the land.
	<ul style="list-style-type: none"> PAPs permanently losing greater than 20% of landholding lost (Land does not become economically viable) 	<ul style="list-style-type: none"> Title holders (Farmer) 	<ul style="list-style-type: none"> Cash compensation for the harvest or product from the affected land or asset, equivalent to equivalent to ten times (ten years) the average annual income s/he secured during the five years preceding the expropriation of the land. Replacement land of same value of land lost and at location acceptable to PAPs where feasible. Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at areas/ location acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs. Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature)
		<ul style="list-style-type: none"> Renter/Lease holder 	<ul style="list-style-type: none"> Cash compensation equivalent to ten times (ten years) the average annual income s/he secured during the five years preceding the expropriation of the land. Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature)
Grazing land	<ul style="list-style-type: none"> PAPs land used for grazing partially affected (Limited loss/ remaining area sufficient for 	<ul style="list-style-type: none"> Title holder/ farmer 	<ul style="list-style-type: none"> Cash compensation for protected grasses on affected land for ten years. The amount of compensation for protected grass shall be determined on the basis of the productivity of the land and the current market price of

Type of Loss	Types of Impact	Category of PAPs	Compensation Entitlement/Benefits
	continued use)		the grass per square meter as outlined in the Council of Ministers Regulation No. 135/2007 ¹⁰
		• Renter/Lease holder	• Cash compensation for protected grasses on affected land. The amount of compensation for protected grass shall be determined on the basis of the productivity of the land and the current market price of the grass per square meter
	• PAPs land used for grazing severely affected (remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws)	• Title holder/ farmer	<ul style="list-style-type: none"> • Cash compensation for protected grasses on affected land for ten years. The amount of compensation for protected grass shall be determined on the basis of the productivity of the land and the current market price of the grass per square meter • Replacement land of same value of land lost and at location acceptable to PAPs where feasible. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location which is acceptable to the PAP. • Transfer of the land to the PAP shall be free of taxes, registration, and other costs. • Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature)
		• Renter/ lease holder	• Cash compensation for protected grasses on affected land. The amount of compensation for protected grass shall be determined on the basis of the productivity of the land and the current market price of the grass per square meter
Residential land	• Land used for residence partially affected (limited loss/less 20% of holding and remaining land viable	• Title holder	• Cash compensation at full replacement cost for affected assets situated on land without factoring depreciation
		• Renter/lease holder	• Cash compensation equivalent to 10% of lease/ rental fee for the

¹⁰ The Regulation is attached in Annex-7. It set the principles and eligibility criteria for compensation. Values for the eligible assets are calculated without factoring depreciation based on current replacement cost taken from respective municipality for houses and agriculture office for crops and perennial trees.

Type of Loss	Types of Impact	Category of PAPs	Compensation Entitlement/Benefits
	for present use)		remaining period of rental/ lease agreement (written or verbal)
	<ul style="list-style-type: none"> Land and assets used for residence severely affected (remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws) 	<ul style="list-style-type: none"> Title holder 	<ul style="list-style-type: none"> Cash compensation at full replacement cost without factoring depreciation or replacement land of same value of land lost and at location acceptable to PAPs where feasible Land for land replacement shall be of minimum plot of acceptable size under the zoning law/ s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status. When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value will be provided Transfer of the land by government to the PAP shall be free of taxes, registration, and other costs. Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature)
		<ul style="list-style-type: none"> Renter/lease holder 	<ul style="list-style-type: none"> Refund of any lease/ rental fees paid for time/ use after date of removal Cash compensation equivalent to 3 months of lease/ rental fee Assistance in rental/ lease of alternative land/ property Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature)
Buildings and structures	<ul style="list-style-type: none"> Structures are partially affected (Remaining structures viable for continued use) 	<ul style="list-style-type: none"> Owner 	<ul style="list-style-type: none"> Cash compensation at full replacement cost for affected building and other fixed assets Cash assistance to cover costs of restoration of the remaining structure
		<ul style="list-style-type: none"> Renter/lease holder 	<ul style="list-style-type: none"> Cash compensation at full replacement cost for affected assets (verifiable improvements to the property by the tenant). Disturbance compensation equivalent to two months rental costs
	<ul style="list-style-type: none"> Entire structures are affected or partially affected (remaining structures not suitable for 	<ul style="list-style-type: none"> Owner 	<ul style="list-style-type: none"> Cash compensation at full replacement cost without factoring depreciation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality

Type of Loss	Types of Impact	Category of PAPs	Compensation Entitlement/Benefits
	continued use)		<p>in an available location which is acceptable to the PAP.</p> <ul style="list-style-type: none"> • Right to salvage materials without deduction from compensation • Relocation assistance (costs of shifting + allowance) • Rehabilitation assistance if required (assistance with job placement, skills training)
		<ul style="list-style-type: none"> • Renter/lease holder 	<ul style="list-style-type: none"> • Cash compensation at full replacement cost for affected assets (verifiable improvements to the property by the tenant) • Relocation assistance (costs of shifting) • Assistance to help find alternative rental arrangements • Rehabilitation assistance if required (assistance with job placement, skills training)
		<ul style="list-style-type: none"> • Squatter/informal dweller 	<ul style="list-style-type: none"> • Cash compensation at full replacement cost for affected structure without depreciation • Right to salvage materials without deduction from compensation • Relocation assistance (costs of relocation + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project • Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available) • Rehabilitation assistance if required assistance with job placement, skills training)
Perennial crops	<ul style="list-style-type: none"> • Crops affected by land acquisition or temporary acquisition or easement 	<ul style="list-style-type: none"> • PAP (whether owner, renters, or squatter) 	<ul style="list-style-type: none"> • Cash compensation equivalent to ten times (ten years) the average annual income s/he secured during the five years preceding the expropriation of the land.
Trees	<ul style="list-style-type: none"> • Trees lost 	<ul style="list-style-type: none"> • Title holder 	<ul style="list-style-type: none"> • Cash compensation at full replacement cost based on type, age and productive value of affected trees
Temporary land acquisition	<ul style="list-style-type: none"> • Temporary acquisition 	<ul style="list-style-type: none"> • PAPs (whether owner, renter, or squatter) 	<ul style="list-style-type: none"> • Cash compensation at full replacement cost for any affected assets for that temporal time period plus compensation for loss of income during the period

9. Valuation of Assets and Determining Cut-off Date

9.1 Valuing Affected Assets/Properties

Ethiopian legislation clearly indicated the method for asset inventory and valuation deemed eligible for compensation. The legislation states “the valuation of property situated on land to be expropriated shall be carried out by certified private or public institutions or individual consultants on the basis of valuation formula adopted at the national level (Proclamation 455/2005, Article 9 (1)). The property situated on a land to be expropriated shall be valued by a committee of not more than five experts having the relevant qualification and designated by the *woreda* and urban administration if the land is located in a rural and urban area respectively. A committee of experts will be set, if required, by the implementing organization.

Regulation No. 135/2007 clearly provided methods for inventorying and valuing different type of assets. The regulation also established a formula to calculate the amount of compensation payable. The Property Valuation Committee uses these provisions to value the affected assets. The committee will enumerate each asset and inscribe on a register included in Annex 7 of this RPF. Each asset enumerated by the committee should be given value. All compensation options and types must be clearly and plainly explained to the affected individual or household or the community. The *Woreda* CRC lists all property on the land and the types of compensation (cash and/or in-kind) sought. The compensation contract will be read aloud in the presence of the affected party and all others prior to signing it. Inventory and valuation will be signed and a copy will be given on the spot to the PAPs. This copy is not official until it is reviewed and approved by the *Woreda* EPLAUO, and returned to the PAPs.

9.2 Method to Determine Cut-Off Date

As per the Proclamation 455/2005, the *Woreda* compensation and resettlement committee (CRC) will set cut-off dates. Once the sub-project has been legally approved and a permit provided, a RAP will be prepared (if required) for the sub-project that may result in involuntary resettlement. Therefore, the start of the census date is the cut-off date and this should be fully communicated to all potential PAPs in the project affected area with sufficient lead time for these people to

ensure their availability for the census. The cut-off date should be communicated using various forms of media and language appropriate to PAPs.

Besides *woreda* CRC, *kebele* level CRC will be established with the responsibility to notify PAPs about the established cut-off date and its significance. The potential PAPs will be informed formally (writing and verbal notification) in the presence of the community leaders or representatives. The local community leaders will play a crucial role in identifying users of land since most of them would have acquired their use rights from their local authorities and leaders in the absence of formal land use certificates.

Once the census had been undertaken, the lists will be verified physically in a public consultation meeting and will then be reviewed and approved by the *Woreda* Environmental Protection and Land Administration and Use Office (EPLAUO). Once these lists have been approved, thereafter, no new cases will be considered.

Fixing cut-off date is required to prevent opportunistic invasions/rush migration into the chosen project areas thereby posing a risk to the subproject. Therefore, establishment of a cut-off date is of critical importance. A brief procedure for setting cut-off dates is given in Fig. 8.1 below.

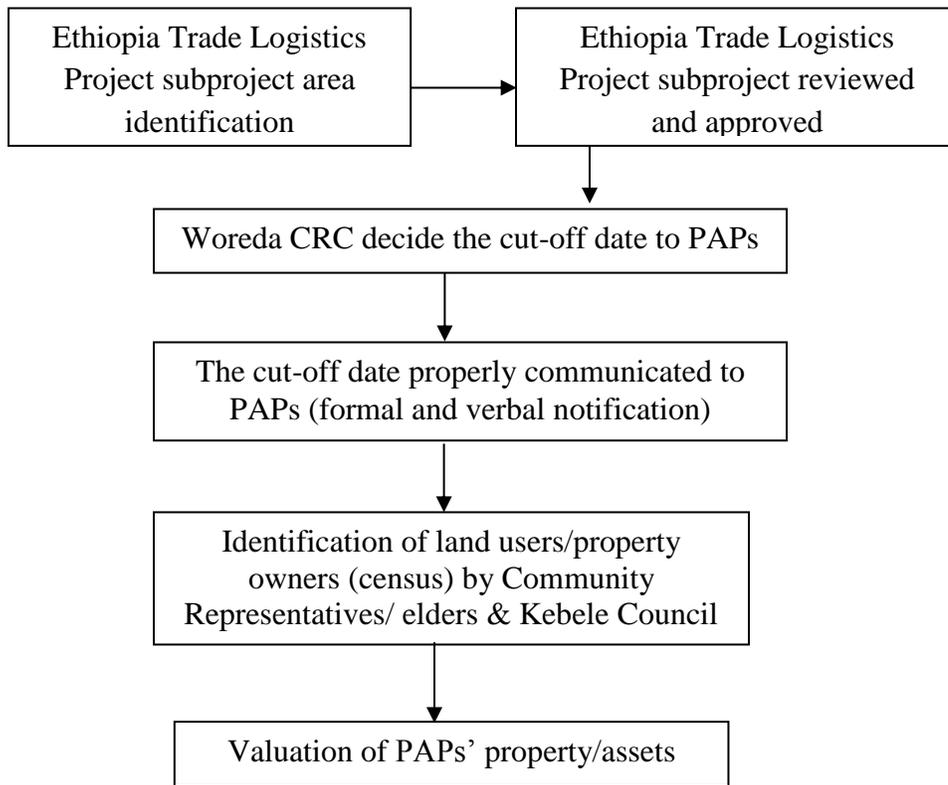


Fig. 8.1: Procedure for determining cut-off dates and property valuation

10. Livelihood Restoration

As per World Bank OP/BP 4.12 PAPs should be assisted in their effort to improve their livelihoods and standards of living or at least to restore to levels prevailing prior to the beginning of project implementation, whichever is higher. Displaced persons and those who will be displaced should benefit from the project. In addition to compensation for their asset losses the project will implement the following strategies improve/restore livelihood of affected persons, based on the initial livelihood needs assessment:

- ✓ Conduct capacity building training on businesses;
- ✓ Provide technical support in business planning, preparation and implementation;
- ✓ Provide technical support in supervision and monitoring on the implementation of their business;
- ✓ Allocate adequate resources for livelihood restoration activities;
- ✓ Create/facilitate employment opportunities and give priority for economically displaced households.

The income restoration measures will also target the vulnerable persons to ensure that they are reasonably assisted to overcome potential economic shock due to the project, and maintain the quality of life not less than their pre-project state.

11. Category of Project Affected Peoples (PAPs)

Potential Project Affected People (PAPs) in this RPF are those who as a consequence of the ETLF will face economic and/or physical displacement, or those who stand to lose all or part of their physical and non-physical assets, including homes, productive lands, and other resources such as perennial and non-perennial crops, forests, commercial properties, and income earning opportunities. Such impacts may be permanent or temporary. This might occur through land expropriation and restriction of access to important livelihood resources.

This RPF applies to all economically and/or physically displaced persons regardless of number, the severity of the scope of impact, and whether or not they have legally entitled to the land

under their possession/use. Particular attention will be paid to the needs of vulnerable groups among those economically and/or physically displaced especially the destitute, the landless, the elderly, women and children or other economically and/or physically displaced persons who may not be protected through Ethiopian's legislation related to land exploration and compensation.

Land acquisition for the project may result in potential negative impacts to potentially project affected people. The likely economical and/or physical displacement can be grouped into the following three categories: i) affected individuals, ii) affected households, and iii) vulnerable segments of the society.

1. ***Affected individuals:*** These are individuals who risks losing assets, investments, land, property and/or access to natural and/or economic resources as a result of the project;
2. ***Affected households:*** These are groups of PAPs in one household and where one or more of its members (head of household, male, and female members, dependent relatives, tenants, etc) are directly affected by the project;
3. ***Vulnerable groups:*** these groups include households who are elderly, terminally ill, women headed households, unemployed youth, poor households with larger family size, etc, and who require special benefit packages.

12. RAP Preparation, Institutional Arrangement and Implementation

RAP must be prepared when a subproject is expected to cause physical and/or economic displacement of people. Displacement results in relocation, the loss of shelter, the loss of assets or restriction to access land or productive resources, loss of assets which are important to production; the loss of income sources or means of livelihood; or the loss of access to locations that provide higher income or lower expenditure to business or persons.

As part of the preparation of RAP, socio-economic census and asset inventory will be conducted with the aim to determine the extent of resettlement and establish appropriate data to identify the persons/households and their assets affected by the subproject. RAP is required to identify people eligible for compensation and assistance. In essence, the census will achieve the following:

- The starting date of the census is the cut-off date
- Provide initial information on the scope of the proposed resettlement;
- Identifies gaps in information and gives an indication of further socio economic research needed to quantify losses to be compensated and, if required, to design appropriate development interventions; and
- Establishes indicators that can be measured at a later date during monitoring and evaluation.

The socio-economic survey will be undertaken by the relevant implementing institution using the sample socio-economic survey checklist indicated in Annex-2 of this RPF. It will be accompanied by asset inventory to determine assets that will be affected due to the proposed sub project and compensated subsequently. The land and asset inventory will be done under close supervision of *woreda* CRC. The structure in Figure 12.1 below and Box 12.1 will be considered while preparing RAP/ARAP as well as the guideline under Annex-1 of this RPF. The final RAP/ARAP will be disclosed of the RAP/ARAP through the WB Infoshop, Ministry of Transport (MoT) and EMAA websites as well as at the community level using culturally and linguistically appropriate channels.

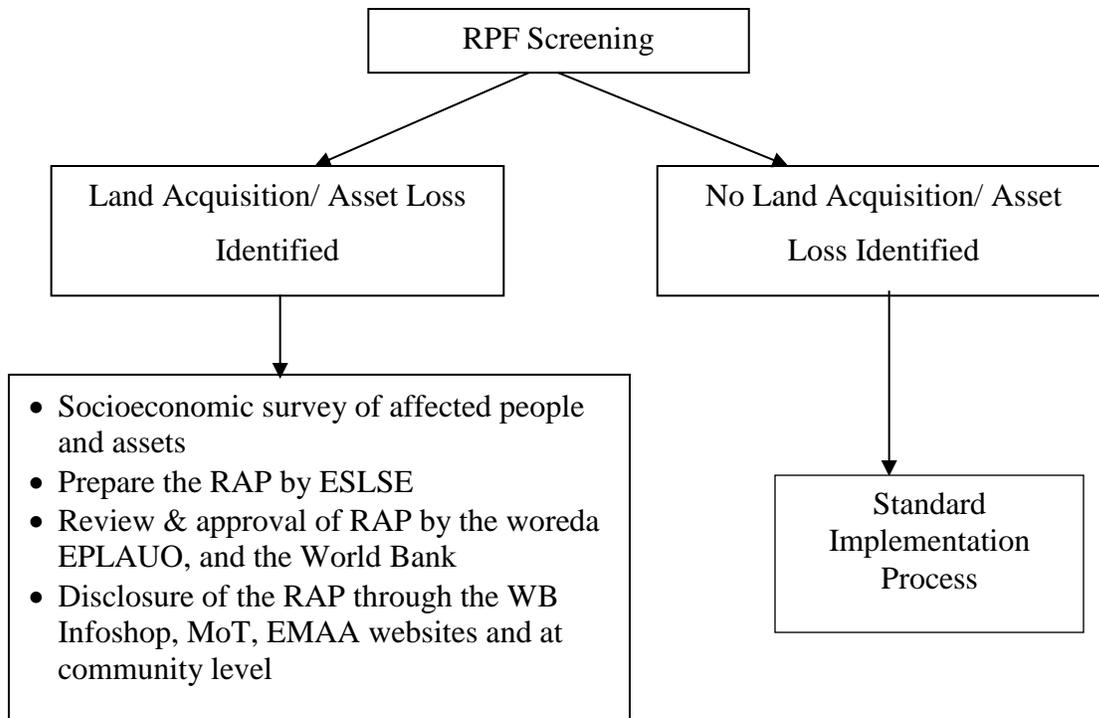


Figure 12.1: Structure for RAP/ARAP Development

12.1 RAP/ ARAP Preparation

RAP/ARAP will be prepared by the relevant implementing agency hiring independent consultant. The basic component of the RAP/ARAP is presented in Box 12.1 below and the full description is attached in Annex-6. The details and extent of the RAP/ARAP must be related to the scope of impact. ARAP is prepared when scope of resettlement impacts are minor (example, acquiring less than 20% of a person’s holding) or if fewer than 200 people are displaced. Where the resettlement scope of impact is major (example, the physical displacement of 200 or more individuals, requiring more than 20% of their productive land and affect their livelihood), an extensive and detailed RAP will be required. The RAP/ARAP should be specific, auditable, and allow for consultation of the community throughout the process. RAP/ARAP will be prepared in consultation with the affected parties, particularly in relation to eligibility, allowances for disturbances to livelihoods and income-earning activities, methods of valuation, compensation payments, potential assistance and timeframes. The contents and processes to be followed during the preparation of RAP and ARAP are the same.

Box 12.1: Contents of a RAP/ARAP

Outline of the RAP/ARAP

1. Project Background/ Description
2. Rationale for Preparation of Abbreviated or Resettlement Action Plan (ARAP/ARAP)
3. Objectives and Methodology of the RAP/ARAP
4. Resettlement and Land Acquisition Impacts
5. Project Affected Area (PAA)
6. Project Affected People (PAPs)
7. Legal Framework
8. Eligibility Criteria and Compensation Valuation
 - 8.1 Principles of Compensation
 - 8.2 Identification of Eligibility
 - 8.3 Valuation and Compensation Methodology (compensation for land and crop, compensation for buildings and structures, Compensation for Physical Relocation, Compensation for People without Legal Land Rights, etc)
9. Livelihood Restoration and Rehabilitation
10. Entitlement Matrix
11. Implementation Process and Responsibilities
12. Grievance Redress Mechanisms
13. RAP/ARAP Costs and Budget
14. Monitoring & Evaluation (M&E)(Internal performance monitoring and external impact monitoring)
15. Public Consultation and Disclosure
16. RAP/ARAP Implementation Activities Timetable/schedule

Following completion of the RAP/ARAP preparation, the relevant implementing institution will submit the RAP to the *woreda* EPLAUO and World Bank for review, approval and ensuring compliance with the principles and procedures outlined in this RPF and the Ethiopian law. After approval by *woreda* EPLAUO, the RAP will be a legal document. The RAP/ARAP will be disclosed through the WB Infoshop, MoT, EMAA, and at the community level using appropriate language.

12.3 Ethiopian Trade Logistics Project Institutional & Implementation Arrangement

The ETLP and RPF will be implemented by the MoT through the EMAA which will host the Project Implementation Unit (PIU). EMAA is an agency of the Ministry established under Proclamation No. 549/2007 with the responsibility and authority to ensure the standards of Ethiopia's dry ports, and transport logistics infrastructure. The Ministry will establish a PIU within EMAA. The PIU will be responsible for the implementation of the project interventions and overall day-to-day project coordination and monitoring. The PIU will be responsible for the implementation, monitoring and reporting of the agreed safeguard instruments; this RPF and the complementary ESIA.

A Project Steering Committee will be set up to; (a) oversee overall implementation of the project; (b) provide policy guidance to the project; (c) ensure inter-agency coordination of the project; and (d) review and approve annual work plans and budgets. The PIU shall serve as the Secretariat of the Project Steering Committee. The Steering Committee will comprise of representatives from the main government stakeholders (Ministry of Transport, Ministry of Agriculture and Natural resources, National Bank of Ethiopia, and the main implementing and beneficiary agencies (EMAA, ERCA, ESLSE). The PSC will be chaired by the Minister of Transport (or State Minister) and co-chaired by the Director General of EMAA. It will include the Deputy Director of ERCA in charge of Customs Administration, the CEO of ESLSE and other government agencies as deemed appropriate. The Committee will meet quarterly to ensure smooth implementation and coordination on the basis of a common action framework.

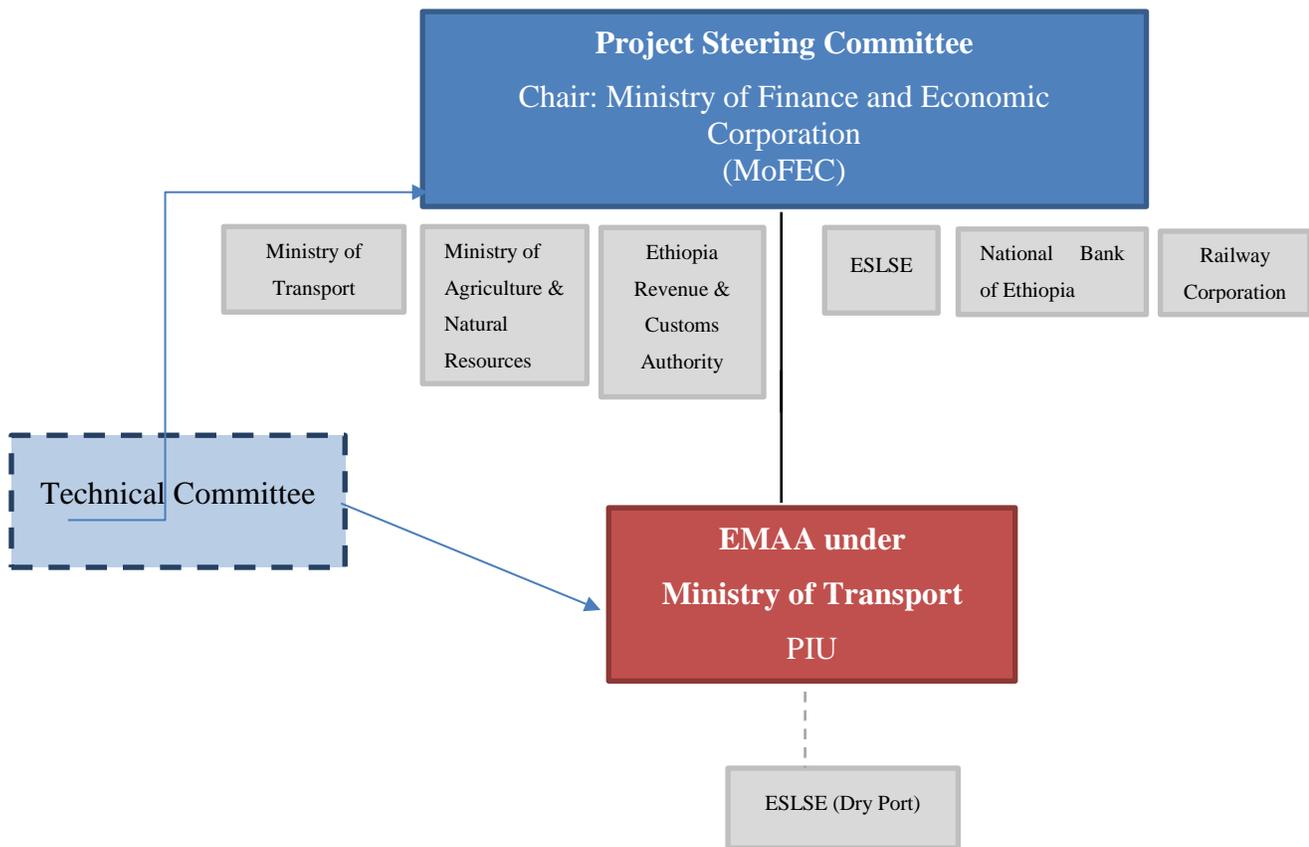
A Technical Working Group will be established to support technical implementation of the project and will be chaired by a technical director from EMAA. A key role of the Working Group will be to ensure that the interests of dry port users and other stakeholders are properly taken into account when designing interventions. The Working Group will comprise representatives of key value chain in the trade and logistics that are expected to benefit from logistics improvements including a number of manufacturing sectors and agricultural producers.

The Working Group could also include a representative from women's producer groups to ensure that gender issues are properly recognized and addressed in the project.

A Project Implementation Manual will be prepared to ensure the effectiveness of the project. This will include operational procedures, financial and administrative management, procurement methods and procedures, environmental and social safeguards and monitoring and evaluation by the effectiveness date of the project.

The PIU will be responsible for the M&E system, including data collection for the Results Framework in accordance with Bank requirements. The PIU will provide progress reports to the Bank every 6 months documenting progress with project activities and progress towards achievement of the PDO using the indicators in the results framework. The PDO indicators include the key outcomes documenting the expected results in terms of improved efficiency, capacity and range of available services of the trade logistics system in Ethiopia. In addition, a number of intermediate indicators will be used to track progress towards achieving the PDO, and baseline data, where not already available will be collected prior to project effectiveness.

Fig. 12. 2: Schematic Representation of Ethiopian Trade Logistics Project Implementation



12.4 RPF/RAP/ARAP Implementing Agencies

In line with the general institutional arrangements of the project and the national legislation, different government institutions at different level will play a role in the implementation of the RPF and subsequent RAP/ARAPs as needed. The development and implementation of the RAP/ARAP will be the responsibility of implementing agencies in collaboration with *woreda*/town administration. *Woreda* EPLAUO is responsible for the review and approval of the RAP/ARAP. CRC together with PIU are responsible for the implementation of RAP/ARAP. EPLAUO will assist *Woreda* and *Kebele* councils and CRC in quality assurance and adherence to the approved packages during implementation. The EMAA (PIU) will play a key role for the implementation of the RAP by providing technical support and capacity building. EMAA, regional EPLUA and the World Bank will provide technical support in the review and approval of the RAP/ARAP.

The role of the *woreda* and *kebele* level CRC is vital (see Table 12.1 below). The composition and responsibilities of each CRC will vary between urban and rural as well as from region to region. Usually, the CRC members consist of representatives from *woreda*/town administrator; *woreda*/town office of finance and economic development; *Woreda* office for agriculture; *Woreda* office of trade and marketing; *Woreda* office for women, children and youth; *Woreda* EPLAUO; and Community/PAPs representative. However, for the ETLP the *Woreda* and *Kebele* CRC composition and responsibilities are presented under table 12.2.

Table 12.2: *Woreda* and *Kebele* CRC Composition and Responsibility

<i>Woreda</i> CRC Members	Responsibilities
<ul style="list-style-type: none"> • <i>Woreda</i> Administrator/ delegate • <i>Woreda</i> Agriculture and natural resources Office representative • <i>Woreda</i> Women and Children Affairs Office representative • <i>Woreda</i> trade and marketing office representative • Representative of local NGO or CBOs • Community /PAPs representatives • <i>Woreda</i> EPLAUO representative • Women representative • Community traditional leaders/elders representative 	<ul style="list-style-type: none"> ✓ Evaluating the projects and determining if a RAP/ARAP is necessary, establishing <i>Kebele</i> level CRCs; ✓ Clarifying the policies to the <i>Kebele</i> CRCs; ✓ Establishing standards to unit rates of affected assets and compensation estimates according to the guidelines in this RPF; ✓ Coordinating and supervising implementation by <i>Kebele</i> CRCs as stipulated in this RPF; ✓ Ensuring that appropriate compensation procedures are followed; and ✓ Overseeing the project’s requirements related to social impacts included resettlement and compensation.
<i>Kebele</i> CRC Members	Responsibilities
<ul style="list-style-type: none"> • <i>Kebele</i> Administrator (Chairperson); • <i>Kebele</i> Manager • <i>Kebele</i> Development Agent (Natural Resources extension worker); • Representative of PAPs; • Village elders; • Representative from local NGO or CBO, if any 	<ul style="list-style-type: none"> ✓ Validating inventories of PAPs and affected assets; ✓ Allocating land where required to permanently affected households; ✓ Monitoring the disbursement of compensation, livelihoods support funds; ✓ Guiding and monitoring the implementation of relocation; ✓ Coordinating activities between the various organizations involved in relocation; ✓ Facilitating conflict resolution and addressing grievances; and ✓ Providing support and assistance to vulnerable groups.

12.5 RAP/ARAP Implementation Procedure and Schedule

Following the approval of a RAP/ARAP, its implementation involves:

- ***Community Consultation***

Consultation is a continuous process throughout the project cycle. The ETLP stakeholder consultation started with the preparation of this RPF and the complementary ESIA. Public consultation and participation is crucial in RAP/ARAP implementation process. Consultation will be fundamental during site selection, screening, census and RAP/ARAP development process, and will depend on the extent of resettlement scope of impact. The community and landholder would be informed of the approval of the RAP/ARAP and implications for all PAPs, as well as the likely implications in terms of resettlement, expropriation, and compensation. Consultation would need to be part of an ongoing process, to ensure their active involvement and inform communities in a participatory approach about the project from the beginning of the resettlement/land acquisition process. Public consultations and participation take place through individual, group, or community meetings, and are adopted as on-going strategy throughout the project cycle.

Consultation and participation of traditional political and cultural leaders, including community elders have essential roles. The CRC should ensure that these leaders and local representatives of PAPs are fully involved in designing the public consultation procedures. During implementation, PAPs will be informed about their rights and available options. During public consultation, there is the need to negotiate compensation and resolve conflicts.

- ***Notification***

PAPs will be notified the cut-off date verbally and in writing using appropriate language. Further, PAPs will be notified about land expropriation in writing, indicating the time when the land has to be vacated and the amount of compensation to be paid. According to Article 4 (2) of Proclamation 455/2005, the period of notification may not, in any way be, less than ninety days. In special cases where there are no clearly identifiable owners or users of the land or asset,

implementing agency and CRC notify the respective local authorities and leaders before vacating the land.

- ***Documentation and Disclosure***

Each individual or household or community affected compensation dossier will be filled confirmed and witnessed by the *kebele* CRC. The files should contain: i) required personal information of PAP and those that s/he claims as household members (community information if it is a community land/asset); ii) total landholdings of PAP and proportion of loss; iii) inventory of assets affected; iv) the concerns, worries, and issues of the PAPs related with the resettlement program; and v) other required information for monitoring and evaluation. Each PAP will be provided with a copy of the dossier at the time of negotiations. All claims and assets will be documented in writing. This is necessary so that the resettlement process for each individual PAP can be monitored over time. The RAP/ARAP will be disclosed through the World Bank Infoshop, and ESLSE, MoT, & EMAA websites, woreda EPLAUO, and at community level in a culturally appropriate manner and in a form and language that are understandable and accessible.

- ***Compensation Agreement, Contracts Preparation, and Compensation Payments***

Available compensation options and types must plainly be explained using appropriate language to PAPs. The implementing institution lists all property and the preferred types of compensation (cash and/or in-kind). The compensation contract will be read aloud in the presence of the affected party and others prior to signing. All handing over of property such as land and buildings and compensation payments will be made in the presence of the affected party and the *kebele* CRC. All compensation payments will be effected to the husband and wife (if applicable) through bank transfer systems. The Committee is also responsible to ensure the implementation of community development initiatives as resettlement package in an inclusive and participatory manner while benefiting affected households.

12.6 RAP/ARAP Implementation Budget

Any required displacement cost, including compensation will be financed by the GoE. An indicative detail budget for RAP/ARAP preparation is presented in Table 12.3 below.

Table 12.3: Indicative Outline of RAP/ARAP Budget

Asset acquisition	Amount or number	Estimated Cost (Total)	Responsible body
Farmland			
Buildings and structures			
Crops and economic tress			
Community infrastructure			
Improvements on land and preparation			
Grazing land			
Crops areas and others			
Relocations			
Transfer of possessions			
Installation costs			
Economic Rehabilitation			
Training			
Special Livelihood restoration for Vulnerable Groups			
Capital Investments			
Technical Assistance			
Monitoring			
Contingency			
#	Item	Costs	Assumptions
1	Compensation for loss of Land	Per hectare	For land acquisition purposes, based on Ethiopian market cost, or from similar projects
2	Compensation for loss of Crops	Per hectare of farm lost	Includes costs of labor invested and average of highest price of staple food crops and Ethiopian market prices
3	Compensation for loss of access to pastoralists	If applicable	Those affected would be provided with shared access, or alternate routes (decision agreed through consultation and participation of all)
4	Compensation for loss of access to fishing resources.	If applicable	Data provided from the revised socio-economic study will determine market values of catch, fish products etc.

Asset acquisition		Amount or number	Estimated Cost (Total)	Responsible body
5	Compensation for Buildings and Structures	If applicable	This compensation may be in-kind or cash. Costs for basic housing needs should include ventilated pit latrines, outside kitchen, and storage.	
6	Compensation for Trees	Per year per tree	Includes costs of labor invested and average of highest price of trees (and tree products) and Ethiopian market prices	
7	Cost of Relocation Assistance/Expenses	Per household	This cost reflects the moving and transportation allowance	
8	Cost of Restoration of Individual Income		Assumed to be higher than the GDP per capita in Ethiopia	
9	Cost of Restoration of Household Income		These costs reflect the livelihood restoration program of the RAP/ARAP	
10	Cost of training of Farmers, pastoralists and other PAPs		This is a mitigation measure involving capacity building and involves PAPs and affected communities	

12.7 RAP/ARAP Implementation Schedule

The timeframes and action plans associated with RAP/ARAP will be linked to the Ethiopia Trade Logistic Project implementation schedule. Provisions must be made for compensation and assistance prior to loss of access to the asset or resource. This RPF further requires that measures to assist the PAPs are implemented in accordance with the individual RAP/ARAP if prepared. The schedule for the implementation of activities, as agreed between the *woreda* and *kebele* CRC, ESLSE, PIU, *woreda* EPLAUO and PAPs must include:

- ✓ Target dates for starting and completion of subproject implementation
- ✓ Timetables for transfers of compensation to PAPs
- ✓ Timetables for starting of development initiative
- ✓ Timetables for starting livelihood restoration activities
- ✓ Date of acquiring land of PAPs are using (this date must be after transfer date for completed subproject to PAPs and for payments of all compensation)

12.8 Capacity Building Activities

Since the implementing agencies are new to the World Bank supported investment project operation including social safeguards, institutional capacity building will be fundamental to effectively implement this RPF and ensure the social sustainability. Building the capacity of implementers, including human capacity development (recruitment, orientation and tailored safeguards capacity building) including training is crucial. ETLP will allocate adequate resources for training and other capacity building activities. Capacity building will benefit the project and empower stakeholders for properly executing the project activities as per the requirements outlined in this RPF. The PIU in collaboration with ESLSE and World Bank will provide trainings and orientation on the social safeguards for the implementing technical and managerial staffs of the project.

A training and knowledge needs assessment will be carried out by the PIU for preparing the capacity building and training plan. The needs assessment will identify the specific capability requirements of the safeguard personnel and other key stakeholders of ETLP. Generally, capacity enhancement will focus on the following issues:

- ✓ World Bank operational social safeguard policies and issues;
- ✓ Safeguard implementation systems and monitoring;
- ✓ Social risk assessment and management methodologies; and
- ✓ Safeguard implementation reporting;

13. Grievance Redress Mechanisms

Grievances will be managed and tracked through appropriate actions in a cost effective and accessible grievance handling mechanism. Grievances might arise from community members due to factors such as dissatisfaction with eligibility criteria, amount of compensation, resettlement measures, or during actual implementation of the RAP/ARAP. A specified time schedule will be defined for addressing grievances timely and in an appropriate way. The grievance redress systems should be accessible to ensure success of the overall project implementation.

A person who is dissatisfied shall lodge his/her complaint to the committee. Complaints related to the amount of compensation will be logged within 10 days from the date he/she is notified. The appropriate organ which received the complaint shall give its decision, after reviewing the complaint on the amount of compensation, within 10 days. A person who is aggrieved by the decision of the grievance redress committee can appeal to the *woreda* court in 30 days after expropriation notification is delivered. Compensation will be paid to individual PAPs (with his/her wife/husband if applicable) only after a written consent of the PAPs, including both husband and wife.

The project would make use of the existing *kebele*, *woreda*, zonal and regional Public Grievance Hearing Offices (PGHO). A complainant has the right to lodge his/her complaint to the nearby Ethiopian Institute of Ombudsman (EIO) branch or the respective PGHO in person or through his/her representative by any means (orally, in writing, by fax, telephone, etc).

If the aggrieved party is not satisfied with the decision of the lower level of grievance redress system, the complainant has the right to escalate his/her case to the next higher level of administration.

Arbitration by appropriate local institutions such as local authorities and community leaders is encouraged. Instead of the court of law, people may prefer their cases to be first handled by a “first instance” mechanism, on the model of traditional dispute resolution mechanisms. Most

grievances can be settled with traditional ways and mediation amicably, in the form of a locally selected Mediation Committee (MC). The MC will consist of implementing agency, *kebele* chairperson, community elders, PAP representatives, etc. The size of members might vary depending on the situation.

Grievances will be resolved in a transparent, cost-effective, and time bound manner. All PAPs would be informed about how to register grievances, their specific concerns or complaints. The process of grievance redress will start with registration of the grievances to be addressed for reference at *woreda/kebele* project coordination unit.

While addressing grievance/dispute, it starts with registration. The mediation meetings will be organized with interested parties. Minutes of meetings will be recorded. Solutions to grievances related to compensation amounts, delays in compensation payments or provision of different types of resettlement assistance should be pursued directly by the designated RAP/ARAP team through liaison with the relevant actors. The RAP/ARAP team will ensure that community members (in particular PAPs) are informed about the places for grievance redress, and will maintain a record of grievances received, and the result of resolve.

The overall process of grievance is as follows:

1. During the initial stage, the affected person/s will be given copies of grievance procedures and a form as a guide on the grievance procedure (See Annex 3);
2. The process of grievance redress will start with registration of the grievances to be addressed for reference and to enable progress updates of the cases;
3. The project will use a local mechanism, which includes CRC members, local elder and leaders, and two representatives from the PAPs. These will ensure equity across cases, eliminate nuisance claims and satisfy legitimate claimants at low cost;
4. The response time will depend on the issue to be addressed but it should be addressed with efficiency;

13.1 World Bank Grievance Redress Services

Communities and individuals who believe that they are adversely affected by the World Bank (WB) supported project may submit complaints to existing project-level grievance redress mechanisms or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit <http://www.worldbank.org/GRS>. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org.

14. Supervision and Monitoring of RAP/ARAP Implementation

14.1 Monitoring and Evaluation

The resettlement activities will be regularly supervised and monitored by safeguard personnel of Ethiopian Trade Logistic Project. Monitoring and evaluation procedure for the RAP/ARAP has been designed to establish the effectiveness of all the resettlement activities. With this, it is possible to readily identify problems and successes as early as possible in the resettlement process.

The purpose of monitoring is to provide project management, and directly project affected persons with timely, concise, indicative information on whether compensation, resettlement and other impact mitigation measures are on track to achieve sustainable restoration and improvement in living standard of the affected people, or that adjustments are needed. Hence, internal monitoring and supervision will verify that the census of all PAPs and baseline survey has been carried out appropriately; the RAP/ARAP has been prepared as required; property valuation and resettlement has been carried out in accordance with the provisions of this RPF; and ensure that funds for undertaking resettlement activities are: i) provided in a timely manner, ii) sufficient for their intended purposes, and iii) spent in accordance with the provisions of this RPF.

If deemed necessary, an external monitoring will be carried out by independent body. Besides verifying the reports generated by internal monitoring, the external monitoring will evaluate the impact of resettlement on the PAPs (social and economic); oversee that all resettlement measures are implemented as approved; check livelihood restoration and standards of living of the PAPs; and provide recommendations for improvement of resettlement implementation to ensure the achievement of the principles and objectives this RPF.

14.2 Completion Audit

The ETLPIU at EMMA shall commission an external party to undertake the evaluation of RAP's/ARAP's physical inputs to ensure and assess whether the outcome of RAP/ARAP complies with the involuntary resettlement policy of the World Bank, and the GoE legal requirement related to expropriation of landholding and payments of compensation. The

completion audit shall be undertaken after the RAP/ARAP inputs. It shall evaluate whether the mitigation measures prescribed in the RAP/ARAP have the desired effect. The completion audit should bring to closure ETLPIU's at various level liability for resettlement.

14.3 Indicators

Indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social wellbeing. Therefore, monitoring indicators to be used for the RAP will have to be developed to respond to specific site conditions. As a general guide, Table 12-1 provides a set of indicators which can be used.

Monitoring (of issues)	Evaluation (of impacts)
Consultations and reach out	<ul style="list-style-type: none"> • Number of people reached or accessing information, information request, issues raised, etc • Number of local community based organizations (CBOs) participating
Compensations and re-establishment of PAPs	Physical Progress of Compensation and Assistance <ul style="list-style-type: none"> • Number of PAPs affected (building, land, trees, crops, etc.) • Number of PAPs compensated by the type of loss • Amount compensated by type and owners • Number of replacement asset recovered • Compensation disbursement to the correct parties
Socioeconomic changes	<ul style="list-style-type: none"> • Level of income and standard of living of the PAPs • Number of income restored, improved or declined from the pre-displacement levels
Number of compensation (and valuation) contracts	<ul style="list-style-type: none"> • Outstanding individual compensation or resettlement contracts. • Changes (+/-) in PAPs conditions during transition process • Training / Transformation or life skills/
Grievances redress Mechanism	<ul style="list-style-type: none"> • Quality of grievances or disputes resolved (qualitative) • Number of cases referred to GRC/CRC • Number of cases settled by GRC/CRC • Number of cases pending with GRC/CRC • Average time taken for resettlement of cases • Number of GRC/CRC meetings • Number of PAPs moved court • Number of pending cases with the court • Number of cases settled by the court

Monitoring (of issues)	Evaluation (of impacts)
Livelihood restoration programs Completed	<ul style="list-style-type: none"> • Changes (+/-) in affected households income levels; • Training provided /number of trainees on business planning • Successful transformation to new sector; • PAPs graduated to higher investment
Overall management	<ul style="list-style-type: none"> • Effectiveness of compensation delivery system • Timely disbursement of compensation • Census and asset verification/quantification procedures in place • Coordination between local community structures, and implementing agencies.
Social services	<ul style="list-style-type: none"> • Availability of Schools health and Market facilities

14.4 Reporting

Monitoring reports of RAP/ARAP implementation will be prepared. Reporting on internal monitoring will be carried out quarterly basis by the PIU. And at the end of each RAP/ARAP completion, a RAP/ARAP completion audit will be conducted and a report developed by PIU will be submitted to the World Bank for review and as a requirement. PIU will prepare performance monitoring report quarterly since the commencement of the RAP/ARAP activities implementation related to resettlement and livelihood restoration. These reports will summarize information related to compensation disbursement and other key issues that have arisen. The monitoring of inputs, processes, outputs and outcomes of RAP/ARAP activities will be used as necessary feedbacks in the implementation of the RAP/ARAP. Table 15.2 below shows the reporting template to be used for reporting RAP/ARAP implementation.

Table 14.1: RAP/ARAP Implementation Monitoring Report Template

Table 14.1: Reporting Format on Land Acquisition and property losses					
Name & Location of Subproject:					
Project Sponsor:					
Project cost:					
Dates of Implementation					
For example—application, approval, public consultation, court dates, work start dates etc					
<i>Inventory of Land & Assets Acquired from Private Owners</i>					
Name of Owners/land user	Project Component: Area (s) / plots(s) acquired (ha)	Owner's/user's % of total land (ha) and %taken	Land use: pasture, agriculture, residence, etc. Inventory of any structures or other fixed or productive assets (wells, fences, trees, field crops, etc) affected. Indicate if land is rented or informally used by another party. Indicate if non-owner users have assets, trees, crops, etc affected Indicate if land-based activity is primary source of income for owner or land user.	Compensation paid. Other actions taken for renters or users. Dates delivered.	Impact on income of owner. Impact on lease or informal land users.
1.					
2.					
<i>Inventory of Public, Community, or State Land Acquired</i>					
Land parcels for acquired	Land type / land use: Forest, commons for grazing, other.	Ownership (State, community, etc). Structures or other fixed assets (fences, buildings, etc)	Compensation, land transfer, or other measures to mitigate impacts on land users. Specify measures and dates of delivery.		
Public Awareness, Consultations, and Communication (Report on consultation/meeting process)					
Concerns raised at the public consultation	Concerns raised outside public consultation	How these concerns were resolved?			
<i>Status of land Acquisition</i>					
Completed	Pending Court decision	ongoing			
<i>Special Assistance provided beyond cash compensation payment of acquired land</i>					
Alternative land	Relocation assistance	Livelihood restoration measures	Summary of impact which it addressed		

Identification of vulnerable groups (example elderly, landless, unemployed youths, etc)	Sources of information for vulnerable groups	Methods and channels used to contact them	Assistance provided to them

Grievance Redress process

Mechanisms available for project impacted persons to register their grievances and complaints.	PAPs awareness of the grievance protocol	Are the Grievance mechanisms and procedures affordable and accessible	Any third party settlement mechanism, involvement of community leaders, NGOs

Report on how project monitoring (land acquisition) will be done to preclude any future social issues after the project is completed.

Technical Annexes

Annex 1: RAP/ARAP Screening Checklist

Subproject name: _____

Location: _____ (region, district, kebele, & specific name of the place where project is located)

Type of activity: _____ (New construction, upgrading/rehabilitation, periodic maintenance, etc)

Estimated Cost: _____ (in birr)

Proposed Date of Works Commencement: _____

Table 1: Site Selection:

Physical Data	
Site area in hectare	
Extension of or changes to existing alignment	
Any existing property to transfer to project	
Any plans for new construction	

Note: Refer to project application for this information.

2. Impact identification and classification:

When considering the location of investment project, rate the sensitivity of the proposed site in the following table according to the given criteria. Higher ratings do not necessarily mean that a site is unsuitable – it indicates a real risk of causing adverse impacts involving resettlement and compensation. The following table should be used as a reference.

Table 2: Impact Identification and Classification

Issues	Site sensitivity		
	Low	Medium	High
Involuntary Resettlement	<ul style="list-style-type: none"> No land take/ no land acquisition No economic or physical displacement No non-Land Economic Displacement 	<ul style="list-style-type: none"> If the activity takes less than 20% of households land If it displaces less than 200 people 	<ul style="list-style-type: none"> If the activity takes more than 20% of households land If it displaces greater than 200 people

Table 3: Checklist of Impacts

(a) Improvement of infrastructure: i) an intermodal transfer facility, ii) a bulk storage and bagging facility, iii) a container yard and equipment, iv) Bonded and general warehousing, and v) a center for consolidation/deconsolidation of containers.	Potential for Adverse Impacts			
	None	Low	Medium	High
Economic or physical resettlement required				
Does the activity take more than 20% of households land				
Does the activity displace greater than 200 people				
New settlement pressures created				
Other (specify):				

Table 4: Detailed Questions

Public participation/information requirements:	
Does the public be informed, consulted or involved in the process of the ground activity?	
Has consultation been completed?	
Indicate the timeframe of any outstanding consultation process.	
Land and resettlement:	
How will the project go about land acquisition and property losses?	
Will people’s livelihoods be affected in any way, therefore requiring some form of compensation?	
Will people need to be displaced, and therefore require compensation and resettlement assistance?	
Are the relevant authorities aware of the need for a Resettlement Process, involving a census, valuation, consultation, compensation, evaluation and monitoring?	
What level or type of compensation is planned?	
Who will monitor actual payments?	
Actions:	
List outstanding actions to be cleared before Ethiopian Trade Logistics investment subproject appraisal.	
Recommendations	
Requires an RAP is to be submitted	
Requires an to be submitted	
Does not require further social studies	

Prepared by _____ Sig _____ Date _____

Reviewer Name: _____ Sig.: _____ Date: _____

Annex 2: Census Survey and Land Asset Inventory

1. Socio-economic of PAPs

Names of Interviewer:	Signature	Date
Name of Supervisor		
Name of Head of Extended Family :		
Number of Nuclear Families in Extended Residential Group (including household of head of extended family)		
Region: _____; Zone: _____; Woreda: _____; Kebele: _____; Sub-Kebele: _____; Site/Village: _____		

2. Land asset inventory Form for PAPs

Survey No.		
HH head Name		
No. of family members in the HH		
Total landholding of the HH (M ²)		
Land to be acquired (M ²)		
Land use type		
Land loss in percent (%)		
Loss of assets	Residential land	
	Agricultural land	
	Permanent structures	
Loss of crops	Lost type of crop and amount	
	Other (specify)	
Loss of other Assets	yards, wells, etc.	
	Residence (rented)	
Other losses	Business loss	
	Income loss	

3. Entitlements of project Investment Affected People

Woreda: _____; Kebele: _____; Sub-Kebele/village: _____

Survey no.	Name of head of the HH	Compensation for Land			Compensation for structures			Compensation for crops and trees			Compensation for other assets and losses (e.g., graveyards, wells, businesses, etc)			Total (Birr)
		Quantity (m ²)	Unit price (Birr) per m ²	Entitlement (Birr)	Quantity (m ²)	Unit price (Birr) per m ²	Entitlement (Birr)	Quantity (m ²)	Unit price (Birr) per m ²	Entitlement (Birr)	Quantity (m ²)	Unit price (Birr) per m ²	Entitlement (Birr)	

Annex 3: Sample Grievance Form

8. Personal Information and Nature of Grievance

Name (Filer of Complaint): _____

PAP's ID Number: _____

Addresses: _____ (Village; mobile phone)

Nature of Grievance or Complaint:

Individuals Contacted: _____

Summary of Discussion: _____

Signature _____ Date: _____

Name of Person Filing Complaint : _____ (if different from Filer)

Position or Relationship to Filer: _____

Signed (Filer of Complaint): _____

9. Review/Resolution

Date of Conciliation Session: _____

Was Filer Present? Yes No

Was field verification of complaint conducted? Yes No

Findings of field investigation:

Summary of Conciliation Session

Discussion: _____

Was agreement reached on the issues? Yes No

If agreement was reached, detail the agreement below:

If agreement was not reached, specify the points of disagreement below:

Signed (Conciliator): _____ Signed (Filer): _____

Signed (Independent Observer): _____

Date: _____

Annex 4: Comparison of Ethiopian Legislation and World Bank’s Operational Policy

Theme	World Bank OP 4.12	Ethiopian Legislation	Comparison	Recommendations to Address Gaps
<p>Policy Objectives</p>	<p>World bank OP/BP4.12 has overall policy objectives, requiring: Involuntary resettlement should be avoided wherever possible, or minimized, exploring all alternatives.</p> <p>Resettlement program should be sustainable, include meaningful consultation with affected parties and provide benefits to the affected parties.</p> <p>Displaced persons should be assisted in improving livelihoods etc or at least restoring them to previous levels.</p>	<p>Proclamation No 455/2005 (Article 3(1)) gives power to <i>Woreda</i> or urban administrations to “expropriate rural or urban landholdings for public purpose where it believes that it should be used for a better development...” This is supported by Article 51(5) and Article 40(8) of the 1995 Constitution.</p> <p>Proclamation No 455/2005 (Article 7(5) states that” the cost of removal, transportation and erection shall be paid as compensation for a property that could be relocated and continue to serves as before.”</p>	<p>The World Bank requirement for avoidance or minimization of involuntary resettlement is not written into Ethiopian legislation. Proclamation No 455/2005 does not indicate consultation with displaced persons throughout the resettlement process, rather only allows for a complaints and grievance process. Although Proclamation No 455/2005 allows for some form of support to the displaced persons, it does not explicitly state that livelihoods should be restored to previous levels or improved.</p>	<p>World Bank OP/BP4.12 overall objectives shall be applied to avoiding or minimizing involuntary resettlement to ensure resettlement program is sustainable and includes meaningful consultation.</p>

Theme	World Bank OP 4.12	Ethiopian Legislation	Comparison	Recommendations to Address Gaps
Notification period/timing of displacement	Article 10 of World Bank OP/BP4.12 requires that the resettlement activities associated with a sub - projects are linked to the implementation of development program to ensure displacement or restriction of access does not occur before necessary measures for resettlement are in place. In particular, taking of land and related assets may take place only after compensation has been paid and where applicable, resettlement sites and moving allowances have been provided to displaced persons.	Article 4 of Proclamation No 455/2005 requires notification in writing, with details of timing and compensation, which cannot be less than 90 days from notification. It requires that land should be handed over within 90 days of payment of compensation payments. If there is no crop or other property on the land, it must be handed over within 30 days of notice of expropriation. It further gives power to seize the land through police force should the landholder be unwilling to hand over the land.	There is a gap in Proclamation No 455/2005 to allow land to be expropriated before necessary measures for resettlement take place, particularly before the displaced person has been paid. This can have serious consequences for those affected, as they may be displaced without shelter or livelihood.	Displaced person should always be paid compensation and support before the land is handed over, as per World Bank OP/BP4.12.
Eligibility for Compensation	World Bank OP/BP4.12 gives eligibility to: Those who have formal legal rights to the land; Those who do not have formal legal rights to land, but have a claim to such land; and Those who do not have recognizable legal right or claim to the land.	Proclamation No 455/2005, Article 7(1) allows 'landholders' to be eligible for compensation, where the term "landholder" (Article2(3) means" and individual, government or private organization or any other organ which has legal personality and have lawful possession over the land to be expropriated and owns property situated thereon"	According to World Bank OP4.12, eligibility for compensation is granted to "affected parties". Ethiopian Legislation only grants compensation to those with lawful possession of the land, and as per Proclamation No 456, those with traditional possession i.e. Communal lands. It therefore does not recognize those without a legal right or claim as eligible for compensation.	The requirements of World Bank OP/BP4.12, as described in Column 1 of this table, expected to be applied
Compensation	World Bank OP/BP4.12 Article 6(a) requires that displaced persons are provided with prompt and effective compensation at full replacement cost for	Article 7 of Proclamation No. 455/2005 entitles the landholder to compensation for the property on the	The World Bank requirement for compensation and valuation of assets it that	The World Bank requirements for compensation must be

Theme	World Bank OP 4.12	Ethiopian Legislation	Comparison	Recommendations to Address Gaps
	<p>losses of assets attributable directly to the project. If physical relocation is an impact, displaced persons must be provided with assistance during relocation and residential housing, housing sites and /or agricultural sites to at least equivalent standards as the previous site. Replacement cost does not take depreciation into account. In term of valuing assets. If the residual of the asset being taken is not economically viable,</p>	<p>land on the basis of replacement cost; and permanent improvements to the land, equal to the value of capital and labour expended.</p> <p>Where property is on urban land, compensation may not be less than constructing a single room low cost house as per the region in which it is located. It also requires that the cost of removal, transportation and erection will be paid as compensation for a relocated property continuing its service as before. Valuation formula are provided in Regulation No. 135/2007</p>	<p>compensation and relocation must result in the affected person must have property and a livelihood returned to them to at least equivalent standards as before. This is not clearly stated in local Proclamations. It is expected that the regulations and directives will provide more clarity and clearer guidance in this regard.</p>	<p>followed, as per OP/BP4.12 footnote 1, which states, “Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard”</p>

Theme	World Bank OP 4.12	Ethiopian Legislation	Comparison	Recommendations to Address Gaps
Responsibilities of the project proponent	According to OP/BP4.12, Article 14 and 18), the borrower is responsible for conducting a census and preparing, implementing, and monitoring the appropriate resettlement instrument. Article 24 states that the borrower is also responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instrument. In addition, upon completion of the project, the borrower must undertake an assessment to determine whether the objectives of the resettlement instrument have been achieved. This must all be done according to the requirements of OP/BP4.12. Article 19 requires that the borrower inform potentially displaced persons at an early stage about the resettlement aspects of the project and takes their views into account in project design.	Article 5 of Proclamation No 455/2005 sets out the responsibilities of the implementing agency, requiring them to gather data on the land needed and works, and to send this to the appropriate officials for permission. It also requires them to pay compensation to affected landholders.	The process required for the project proponent IA lacks descriptive processes in local legislations...	As per the World Bank requirements, project processes included screening, a census, the development of a plan, management of compensation payments and monitoring and evaluation of success. It must also include proper consultation with the affected parties throughout the process.

Annex 5: Resettlement Action Plan (RAP) Guideline

The scope and level of detail of the RAP will vary depending on the magnitude and complexity of resettlement or displacement. The RAP is prepared based on the most recent and accurate information on the: (i) proposed resettlement and its impacts on displaced persons and other adversely affected groups; and (ii) legal issues affecting resettlement. The RAP covers elements that are specific to the project context.

A broad outline of the RAP, as applied to sub-projects covered under a RPF includes, but is not limited to, the following:

1. *Description of the Sub-project*

General description of the sub-project activities that will cause displacement and the efforts made to reduce the number of people affected. Description of the sites and services currently available and their distance from the site should be done.

2. *Potential Impacts*

Identification of the: (i) the sub-project components or activities that require resettlement or restriction of access; (ii) zone of impact of components or activities; (iii) alternatives considered to avoid or minimize resettlement or restricted access; and (iv) mechanisms established to minimize resettlement, displacement, and restricted access, to the extent possible, during project implementation.

3. *Objectives*

The main objectives of the resettlement program as these apply to the sub-project.

4. *Socio-economic Study*

The findings of socio-economic studies to be conducted in the early stages of subproject preparation, and with the involvement of potentially affected people will be needed. These generally include the results of a census of the affected populations covering:

- (i) Current occupants of the affected area as a basis for design of the RAP and to clearly set a cut-off date, the purpose of which is to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
- (ii) Standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
- (iii) Magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic;
- (iv) Information on vulnerable groups or persons, for whom special provisions may have to be made; and
- (v) Provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement, and to measure impacts (or changes) in their livelihood and living conditions.

There may be other studies that the RAP can draw upon, such as those describing the following:

- (i) Land tenure, property, and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by locally recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub project area;
- (ii) Patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub-project;
- (iii) Public infrastructure and social services that will be affected; and
- (iv) Social and cultural characteristics of displaced communities, and their host communities, including a description of formal and informal institutions. These may cover, for example, community organizations; cultural, social or ritual groups; and non-

governmental organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

5. *Legal Framework*

The analysis of the legal and institutional framework should cover the following:

- i. Scope of existing land and property laws governing resources, including state-owned lands under eminent domain and the nature of compensation associated with valuation methodologies; land market; mode and timing of payments, etc;
- ii. Applicable legal and administrative procedures, including a description of the grievance procedures and remedies available to PAPs in the judicial process and the execution of these procedures, including any available alternative dispute resolution mechanisms that may be relevant to implementation of the RAP for the sub-project;
- iii. Relevant laws (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law; communal laws, etc related to displacement and resettlement, and environmental laws and social welfare legislation;
- iv. Laws and regulations relating to the agencies responsible for implementing resettlement activities in the sub-projects;
- v. Gaps, if any, between local laws covering resettlement and the Bank's resettlement policy, and the mechanisms for addressing such gaps; and
- vi. Legal steps necessary to ensure the effective implementation of RAP activities in the sub-projects, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage, etc and which are specific to the sub-projects.

6. *Institutional Framework*

The institutional framework governing RAP implementation generally covers:

- a. Agencies and offices responsible for resettlement activities and civil society groups like NGOs that may have a role in RAP implementation;

- b. Institutional capacities of these agencies, offices, and civil society groups in carrying out RAP implementation, monitoring, and evaluation; and
- c. Activities for enhancing the institutional capacities of agencies, offices, and civil society groups, especially in the consultation and monitoring processes

7. *Eligibility*

Definition of displaced persons or PAPS and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

8. *Valuation of and Compensation for Losses*

The methodology to be used for valuing losses, or damages, for the purpose of determining their replacement costs; and a description of the proposed types and levels of compensation consistent with national and local laws and measures, as necessary, to ensure that these are based on acceptable values (e.g. market rates).

9. *Resettlement Measures*

A description of the compensation and other resettlement measures that will assist each category of eligible PAPS to achieve the objectives of OP/BP 4.12. Aside from compensation, these measures should include programs for livelihood restoration, grievance mechanisms, consultations, and disclosure of information.

10. *Site selection, site preparation, and relocation*

Alternative relocation sites should be described and cover the following:

- (i) Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, location advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
- (ii) Any measures necessary to prevent land speculation or influx of eligible persons at the selected sites;

- (iii) Procedures for physical relocation under the project, including timetables for site preparation and transfer; and
- (iv) Legal arrangements for recognizing (or regularizing) tenure and transferring titles to those being resettled.

11. *Housing, infrastructure, and Social Services*

Plans to provide (or to finance provision of) housing, infrastructure (e.g. water supply, feeder roads), and social services to host populations; and any other necessary site development, engineering, and architectural designs for these facilities should be described.

12. *Environmental Protection and Management*

A description of the boundaries of the relocation area is needed. This description includes an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

13. *Community Participation*

Consistent with the World Bank's policy on consultation and disclosure, a strategy for consultation with, and participation of, PAPs and host communities, should include:

- (i) Description of the strategy for consultation with and participation of PAPs and hosts in the design and implementation of resettlement activities;
- (ii) Summary of the consultations and how PAPs' views were taken into account in preparing the resettlement plan; and
- (iii) Review of resettlement alternatives presented and the choices made by PAPs regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and

(iv) Arrangements on how PAPs can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that vulnerable groups (including indigenous peoples, ethnic minorities, landless, children and youth, and women) are adequately represented.

The consultations should cover measures to mitigate the impact of resettlement on any host communities, including:

- a. Consultations with host communities and local governments;
- b. Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to PAPs;
- c. Conflict resolution involving PAPs and host communities; and
- d. Additional services (e.g. education, water, health, and production services) in host communities to make them at least comparable to services available to PAPs.

14. *Grievance Procedures*

The RAP should provide mechanisms for ensuring that an affordable and accessible procedure is in place for third-party settlement of disputes arising from resettlement. These mechanisms should take into account the availability of judicial and legal services, as well as community and traditional dispute settlement mechanisms.

15. *RAP Implementation Responsibilities*

The RAP should be clear about the implementation responsibilities of various agencies, offices, and local representatives. These responsibilities should cover (i) delivery of RAP compensation and rehabilitation measures and provision of services; (ii) appropriate coordination between agencies and jurisdictions involved in RAP implementation; and (iii) measures (including technical assistance) needed to strengthen the implementing agencies' capacities of responsibility for managing facilities and services provided under the project and for transferring to PAPs some responsibilities related to RAP components (e.g. community-based livelihood restoration; participatory monitoring; etc).

16. *Implementation Schedule*

An implementation schedule covering all RAP activities from preparation, implementation, and monitoring and evaluation should be included. These should identify the target dates for delivery of benefits to the resettled population and the hosts, as well as clearly defining a closing date. The schedule should indicate how the RAP activities are linked to the implementation of the overall project.

17. *Costs and Budget*

The RAP for the specific sub-projects should provide detailed (itemized) cost estimates for all RAP activities, including allowances for inflation, population growth, and other contingencies; timetable for expenditures; sources of funds; and arrangements for timely flow of funds. These should include other fiduciary arrangements consistent with the rest of the project governing financial management and procurement.

18. *Monitoring and Evaluation*

Arrangements for monitoring of RAP activities by the implementing agency, and the independent monitoring of these activities, should be included in the RAP section on monitoring and evaluation. The final evaluation should be done by an independent monitor or agency to measure RAP outcomes and impacts on PAPs' livelihood and living conditions. The World Bank has examples of performance monitoring indicators to measure inputs, outputs, and outcomes for RAP activities; involvement of PAPS in the monitoring process; evaluation of the impact of RAP activities over a reasonable period after resettlement and compensation, and using the results of RAP impact monitoring to guide subsequent implementation.

Annex 6: Proclamation on Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation

Proclamation No. 455/2005: Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation

A PROCLAMATION TO PROVIDE FOR THEE EXPRORIATION OF LANDHOLDINGS FOR PUBLIC PURPOSE AND PAYMENT OF COMPENSATION

WHEREAS, the government needs to use land for development works it carries out for public services;

WHEREAS, urban centers of the country have, from time to time, been growing and the number of urban dwellers has been increasing and thereby land development for the construction of dwelling houses, infrastructure, investment and other services has become necessary in accordance with their respective plans as well as preparation and provision of land for development works in rural areas has become necessary;

WHEREAS, it .has become necessary to define the basic principles that have to be taken into consideration in determining compensation to a person whose landholding has been expropriated;

WHEREAS, it has become necessary to define organs that shall have the power to determine and the responsibility to pay the compensation;

WHEREAS, Article 51(5) of the Constitution empowers the Federal Government to enact laws n:garding the utilization of land and it is deemed necessary to regulate in detail, based on the requirement of advance payment of compensation for private property expropriated for public purpose as provided for under Article 40(8) of the Constitution.

NOW, THEREFORE, in accordance with Article 55 (1) of the Constitution, it is hereby proclaimed as follows;

PART ONE
GENERAL

1. Short Title

This Proclamation may be cited as the "Expropriation of landholdings for Public Purposes and Payment of Compensation Proclamation No. 455/2005."

2. Definitions

In this Proclamation, unless the context requires otherwise:

- 1) "compensation" means, payment to be made in cash or in kind or in both to a person for his property situated on his expropriated landholding;
- 2) "region" means any region referred to in Article 47 of the Constitution and includes the Addis Ababa and *Dire Dawa* city administrations;
- 3) "landholder" means an individual, government or private organization or any other organ which has legal personal.ity and has lawful possession over the land to be expropriated and owns property situated thereon;
- 4) "urban administration" means an organ to which urban administrative powers and duties have been given by law or delegated by the concerned government body to exercise such powers and duties;
- 5) "public purpose" means the use of land defined as such by the decision of the appropriate body inconformity with urban structure plan or development plan in order to ensure the interest of the peoples to acquire direct or indirect benefits from the use of the land and to consolidate sustainable socio economic development;
- 6) "utility line" means water, sewerage, electric or telephone line existing on or under a land to be expropriated for public purpose;
- 7) "implementing agency" means a government agency or, public enterprise undertaking or causing to be undertaken development works with its own force or through contractors.

PART TWO
EXPROPRIATION OF LANDHOLDINGS

3. Power to Expropriate Landholdings

- 1) A *woreda* or an urban administration shall, upon payment in advance of compensation in accordance with this Proclamation, have the power to expropriate rural or urban landholdings for public purpose where it believes that it should be used for a better development project to be carried out by public entities, private investors, cooperative societies or other organs, or where such expropriation has been decided by the appropriate higher regional or federal government organ for the same purpose.
- 2) Notwithstanding the provisions of Sub-Article (1) of this Article, no land lease holding may be expropriated unless the lessee has failed to honor the obligations he assumed under the Lease Proclamation and Regulations or the land is required for development works to be undertaken by government.

4. Notification of Expropriation Order

- 1) Where a *woreda* or an urban administration decides to expropriate a landholding in accordance with Article 3 of this Proclamation, it shall notify the landholder" in writing, indicating the time when the land has to be vacated and the amount of compensation to be paid.
- 2) The period of notification to be' given in accordance with Sub-Article (1) of this Article shall be determined by directives; provided however, that it may not, in any way, be less than ninety days.
- 3) Any landholder who has been served with an expropriation order in accordance with Sub-Article (1) of this Article, shall hand over the land to the *woreda* or urban administration within 90 days from the date of payment of compensation or, if he refuses to receive the payment, from the date of deposit of the compensation in a blocked bank account in the name of the *woreda* or urban administration as may be appropriate.
- 4) Notwithstanding Sub-Article (3) of this Article, where there is no crop, perennial crop or other property on the expropriated land, the holder shall hand over the land to the *woreda* or urban administration within 30 days from the date of receipt of the expropriation order.

- 5) Where a landholder who has been served with an expropriation order refuses to handover the land within the period specified in Sub Article (3) of (4) of this Article, the *woreda* or urban administration may use police force to take over the land.

5. Responsibilities of the Implementing Agency

The IA shall have responsibilities to:

- 1) prepare detail data pertaining to the land needed for its works and send same, at least one year before the commencement of the works, to the organs empowered to expropriate land in accordance with this Proclamation and obtain permission from them; and
- 2) pay compensation in accordance with this Proclamation to landholders whose holding: have been expropriated.

6. Procedures for removal of Utility Lines

- 1) Where land over or under which utility lines, owned by federal or regional government office or public enterprise, pass is to be expropriated, the body requiring the land shall submit, in writing, its request to the owner by indicating the exact location of the lines to be removed.
- 2) The body which has received a request under Sub Article (1) of this Article shall, within 30 days from receipt of such request, determine a fair compensation required to replace the lines to be removed and send details of its valuation to the requesting body.
- 3) The body which requested the removal of utility lines shall pay compensation to the owner within 30 days from the date of receipt of the valuation under Sub-Article (2) of this Article. The owner shall also remove the utility lines and vacate the land within 60 days from the date of receipt of compensation.

PART THREE

DETERMINATION OF COMPENSATION

7. Basis and Amount of Compensation

- 1) A landholder whose holding has been expropriated shall be entitled to payment of compensation for his property situated on the land and for permanent improvements he made to such land.

- 2) The amount of compensation for property situated on the expropriated land shall be determined on the basis of replacement cost of the property.
- 3) Where the compensation referred to under Sub- Article (2) of this Article is payable to an urban dweller, it may not, in any way, be less than the current cost of constructing a single room low cost house in accordance with the standard set by the concerned region.
- 4) Compensation for permanent improvement to land shall be equal to the value of capital and labour expended on the land.
- 5) The cost of removal, transportation and erection shall be paid as compensation for a property that could be relocated and continue its service as before.
- 6) Valuation formula for determining compensation for various properties and detail prescription applicable thereto shall be provided for by regulations.

8. Displacement Compensation

- 1) A rural landholder whose landholding has been permanently expropriate shall, in addition to the compensation payable under Article 7 of this Proclamation, be paid displacement compensation which shall be equivalent to ten times the average annual income he secured during the five years preceding the expropriation of the land.
- 2) A rural landholder or holders of common land whose landholding has been provisionally expropriated shall, in addition to the compensation payable under Article 7 of this Proclamation, be paid until repossession of the land, compensation for lost income based on the average annual income secured during the five years preceding the expropriation of the land; provided, however, that such payment shall not exceed the amount of compensation payable under Sub-Article (1) of this Article.
- 3) Where the *woreda* administration confirms that a substitute land which can be easily ploughed and generate comparable income is available for the land holder, the compensation to be paid under Sub-Articles (1) and (2) of this Article shall only be equivalent to the average annual income secured during the five years preceding the expropriation of the land.
- 4) An urban landholder whose landholding has been expropriated under this Proclamation shall:

- a) be provided with a plot of urban land, the size of which shall be determined by the urban administration, to be used for the construction of a dwelling house; and
 - b) be paid a displacement compensation equivalent to the estimated annual rent of the demolished dwelling house or be allowed to reside, force or charge, for one year in a comparable dwelling house owned by the urban administration.
- 5) Where the house demolished is a business house, the provisions of Sub-Article (4) of this Article shall, mutatis mutandis apply,
 - 6) When an urban land lease holding is expropriated prior to its expiry date, the lease holder shall, in addition to the compensation referred to under Article 7 of this proclamation and this Article, be provided with a similar plot of land to use it for the remaining lease period. The lease holder shall also be allowed to use the new plot of land for a longer period if its rent is less than the former land or the holding did not want take the land he can take the remain rant payment.
 - 7) The detail prescriptions applicable to compensation payable under the Article shall be provided for by regulations.

9. Valuation of Property

- 1) The valuation of property situated on land to be expropriated shall be carried out by certified private or public institutions or individual consultants on the basis of valuation formula adopted at the national level.
- 2) Until such time that the Ministry of Federal Affairs, in consultation with the appropriate federal and regional government organs, ascertains the creation of the required capacity to take valuation of property as specified under Sub-Article (1) of this Article, such valuation shall be carried out by committees to be established in accordance with Article (10) of this Proclamation and owners of utility lines in accordance with Article (6) of this Proclamation.

10. Property Valuation Committees

- 1) Where the land to be expropriated is located in a rural area, the property situated thereon shall be valued by a committee of not more than five experts having the relevant qualification and to be designated by the *woreda* administration.
- 2) Where the land to be expropriated is located in an urban center, the property situated thereon shall be valued by a committee of experts having the relevant qualification and to be designated by the urban administration.
- 3) Where the property situated on a land to be expropriated requires specialized knowledge and experience, it shall be valued by a separate committee of experts to be designated by the *woreda* or the urban administration.
- 4) The working procedures for the committees established in accordance with this Article shall be determined by directives.

11. Complaints and Appeals in Relation to Compensation

- 1) In rural areas and in an urban center where an administrative organ to hear grievances related to urban landholding is not yet established, a complaint relating to the amount of compensation shall be submitted to the regular court having jurisdiction.
- 2) Where the holder of an expropriated urban landholding is dissatisfied with the amount of compensation, he may lodge his complaint to the administrative organ established by the urban administration to hear grievances related to urban landholdings.
- 3) 3/ The organ referred to in Sub-Article (2) of this Article shall examine the complaint and give its decision within such short period as specified by directives issued by the region and communicate its decision to the parties in writing,
- 4) A party dissatisfied with a decision, rendered in accordance with Sub-Article (1) and (3) of this Article may appeal, as may be appropriate, to the regular appellate court or municipal appellate court within 30 days from the date of the decision. The decision of the court shall be final.
- 5) The period specified in Sub-Article (4) of this Article for submitting an appeal shall not include the time taken to provide the appellant with a copy of the decision.

- 6) An appeal submitted, pursuant to Sub-Article (4) of this Article, by any landholder served with an expropriation order may be admitted only if it is accompanied with a document that proves the handover of the land to the urban or *woreda* administration.
- 7) The execution of an expropriation order may not be delayed due to a complaint regarding the amount of compensation.

PART FOUR

MISCELLANEOUR PROVISIONS

12. Powers and Duties of the Ministry of Federal Affairs

With respect to the implementation of this Proclamation, the Ministry of Federal Affairs shall have the powers and duties to:

- 1) Follow up and ensure that the provisions of this Proclamation are complied with in regions;
- 2) Give technical and capacity building support to regions so that they will be able to implement this Proclamation;
- 3) Prepare, in collaboration with other relevant organs of the Federal Government, national valuation formula for the determination of compensation payable under this Proclamation and submit same to the Council of Ministers for approval.

13. Responsibilities of *Woreda* Administrations and Urban Administration

With respect to the, implementation of this Proclamation *Woreda* and urban administration" shall have the responsibilities and duties to:

- 1) Pay or cause the payment of compensation to holders or expropriated land in accordance with this Proclamation, and provide them with rehabilitation support to the extent possible.
- 2) Maintain data of properties removed from expropriated landholdings Particulars and conditions of maintaining such data shall be prescribed by directives.

14. Power to Issue Regulations and Directives

- 1) The Council of Ministers may issue regulations necessary for the proper implementation of this Proclamation.
- 2) Regions may issue directives necessary for the proper implementation of this Proclamation and regulations issued hereunder.

15. Repelled and Inapplicable Laws

- 1) The Appropriation of Land for Government Works and Payment of Compensation for Property Proclamation No. 401/2004 is hereby repealed.
- 2) No law, regulation, directive or practice shall, in so far as it is inconsistent with this Proclamation, be applicable with respect to matters provided for by this Proclamation.

16. Effective Date

The Proclamation shall enter into force on the 15th day of July, 2005.

Done at Addis Ababa, the 15th day of July, 2005

**GIRMA WOLDEGIORGIS
PRESIDENT OF THE FEDERAL
DEMOCRATIC REPUBLIC OF ETHIOPIA**

Annex 7: Compensation and Expropriation Regulations

Regulations No. 135/2007: The Payment of Compensation for Property Situated on Landholdings Expropriated for Public Purposes Council of Ministers Regulations No. 135/2007

COUNCIL OF MINISTERS REGULATIONS ON THE PAYMENT OF COMPENSATION FOR PROPERTY SITUATED ON LANDHOLDINGS EXPROPRIATED FOR PUBLIC PURPOSES

These Regulations are issued by the Council of Ministers pursuant to Article 5 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 471/2005 and Article 14(1) of the Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation No. 455/2005 with a purpose of not only paying compensation but also to assist displaced persons to restore their livelihood.

PART ONE GENERAL

1. Short Title

These Regulations may be cited as the “Payment of Compensation for Property Situated on Landholdings Expropriated for Public Purposes Council of Ministers Regulations No. 135/2007”

2. Definitions

In these Regulations unless the context requires otherwise: “Proclamation” means the Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation No. 455/2005;

1. “Committee” means a property valuation committee established pursuant to the Proclamation;
2. “Crops” means any plant sown or planted and harvested in one season;

3. "Ripe crops" means plant sown or planted on a land holding to be expropriated for public purpose and that could be harvested within the notice period given under Article 4 of the Proclamation;
4. "Perennial crops" means species of crops harvested regularly for years;
5. "Building" means any structure constructed or under construction in an urban centre or a rural area for residential, manufacturing, commercial, social or any other service;
6. "Formula" means the methodology used for valuating compensation in accordance with these Regulations for Properties Situated on Landholdings Expropriated in Accordance with the Proclamation;
7. The terms "region", "compensation", "public purpose", "utility lines" and "implementing agency" shall have the meanings given to them under the Proclamation;
8. "Person" means any natural or juridical person.

PART TWO

ASSESSMENT OF COMPENSATION

3. Compensation for Buildings

1. The amount of compensation for a building shall be determined on the basis of the current cost per square meter or unit for constructing a comparable building
2. The compensation for a building shall include:
 - a) The current cost for constructing floor tiles of the compound, septic tank and other structures attached to the building; and
 - b) The estimated cost for demolishing, lifting, reconstructing, installing and connecting utility lines of the building.
3. The owner of a building shall have the right to claim compensation for the entire building by surrounding the total land in his possession where part of the building is ordered to be removed.
4. Compensation shall be paid only for the demolished part of a building where the owner prefers to use the unwanted part of the land; provided, however, that such preference shall be acceptable

only where the condition of the partly demolished building conforms to the requirements of the appropriate city plan.

4. Compensation for Fences

The amount of compensation for a fence shall be determined by calculating the current cost per square meter or the unit cost required for constructing a similar fence.

5. Compensation for Crops

1. The amount of compensation for crops shall be calculated by multiplying the amount of yield that would have been collected from the land at maturity by the current market price of the crops.
2. The owner of ripe crops may, in lieu of compensation, harvest and collect the crops within the period fixed pursuant to Article 4 of the Proclamation.

6. Compensation for Perennial Crops

1. The amount of compensation for unripe perennial crops shall be determined by calculating the estimated cost for growing the plant.
2. The amount of compensation for ripe perennial crops shall be determined on the basis of the average annual yield, the current local market price of the crops and the cost of permanent improvement on land.

7. Compensation for Trees

1. The amount of compensation for trees shall be determined on the basis of the level of growth of the trees and the current local price per square meter or per unit.
2. The owner of trees may, in lieu of compensation, cut and collect the trees within the period fixed pursuant to Article 4 of the Proclamation.

8. Compensation for Protected Grass

1. The amount of compensation for protected grass shall be determined on the basis of the productivity of the land and the current market price of the grass per square meter.
2. The owner of protected grass may, in lieu of compensation, cut and gather the grass within the period fixed pursuant to Article 4 of the Proclamation.

9. Compensation for Permanent Improvement on Rural Land

The amount of compensation for permanent improvement made on a rural land shall be determined by computing the machinery, material and labour costs incurred for clearing, leveling and terracing the land, including the costs of water reservoir and other agricultural infrastructure works.

10. Compensation for Relocated Property

The amount of compensation for a relocated property shall be determined by computing the estimated costs of labour, material and transport to be incurred at market value for removing, transferring and installing the property.

11. Compensation Payable to a Mining Licensee

Where a mining site is expropriated pursuant to the provisions of the Proclamation, the compensation due to the licensee shall be determined by the relevant mining law.

12. Compensation for Burial-ground

1. The amount of compensation for a burial-ground shall be determined on the basis of the estimated costs to be incurred for removing the grave stones, preparing other burial-ground, transferring and relocating the corpse and for conducting religious and cultural ceremonies in relation thereto.

2. The amount of costs stipulated under Sub-Article (1) of this Article shall be determined on the basis of the current local market prices of materials, transport services and labour.

13. Formula

The formula for calculating the amount of compensation payable in accordance with the Proclamation and these Regulations shall be as follows:

1. Compensation for building = cost of construction (current value).

+ cost of permanent improvement on land

+ the amount of refundable money for the remaining term of lease contract

2. Compensation for crops = the total area of the land (in square meters) x value of the crops per kilo gram x the amount of crops to be obtained per square meter

- + cost of permanent improvement on land
- 3. Compensation for unripe Perennial Crops = number of plants (legs) x cost incurred to grow an individual plant
 - + cost of permanent improvement on land
- 4 Compensation for ripe Perennial crops = the annual yield of the Perennial Crops (in Kilograms) x the current price of the produce of the perennial crops
 - + cost of permanent improvement on land
- 5. Compensation for relocated Property = cost of removal
 - + cost of transferring
 - + cost of reinstallation
- 6. Compensation for protected grass = area covered by the grass per square meter x the current market price of the grass per square meter

PART THREE

PROVISION OF REPLACEMENT LAND AND PAYMENT OF DISPLACEMENT COMPENSATION

14. Provision of Replacement Urban Land

The provision of replacement land to an urban dweller whose landholding has been expropriated for public purpose shall be governed by directives issued by Regional States in accordance with Article 14 (2) of the Proclamation.

15. Provision of Replacement Rural Land

Where land used for growing crops or a protected grass or pastoral land is expropriated for public purpose, the possessor of such land shall, as much as possible, be provided with a plot of land capable of serving a similar purpose.

16. Displacement Compensation for Land Used for Crops and Perennial Crops

1. Where a replacement land has been provided in accordance with Article 15 of these Regulations with respect to expropriated land used for crops or perennial crops, displacement compensation equivalent to the following amounts, shall be paid:

- a) The price of the annual average yield of crops obtained from the land; or

- b) The price of the annual average yield of perennial crops multiplied by the number of years required to attain the level of growth of the perennial crops.
2. The amount of displacement compensation payable with respect to land used for growing crops or perennial crops shall, where it is impossible to provide replacement land in accordance with Article 15 of these Regulations, be ten times the price of the average yield of crops or perennial crops obtained from the land.
 3. The average annual yield of crops or perennial crops shall be calculated on the basis of:
 - a) The yield obtained from the land for the last five years; or
 - b) Where the land was used for less than five years, the yield obtained for the actual years the land was used; or
 - c) Where the crops or perennial crops have not yet started giving annual yield, the yield of similar crops or perennial crops obtained from a similar area of land in the locality for the last five years.

17. Displacement Compensation for Protected Grass or Grazing Land

1. Where a replacement land is provided in accordance with Article 15 of these regulations with respect to expropriated protected grass or grazing land, displacement compensation equivalent to the annual average income obtained from the land shall be paid.
2. The amount of displacement compensation payable with respect to the protected grass or grazing land shall, where it is impossible to provide replacement land in accordance with Article 15 of these Regulations, be ten times the annual average income obtained from the land.
3. The provisions of Sub-Article (3) of Article 16 of these Regulations shall, *mutatis mutandis*, be applicable with respect to calculating the average annual income derived from a protected grass or grazing land.

18. Displacement Compensation for Provisional Expropriation of Rural Land

Where a rural land is expropriated only for a limited period of time, the multiplication factor for calculating the displacement compensation shall be the number of years for which the land is cleared; provided, however, that the compensation obtained by such calculation shall not exceed the amount payable under Article 16 or 17 of these regulations

PART FOUR
MISCELLANEOUS PROVISIONS

19. Properties for which Compensation Is Not Payable

There shall be no payment of compensation with respect to any construction or improvement of a building, any crops sown, perennial crops planted or any permanent improvement on land, where such activity is done after the possessor of the land is served with the expropriation order.

20. Furnishing of Data

1. The committee shall request the relevant federal, regional or other bodies to furnish any data necessary for determining the value of a property in accordance with the Proclamation and these Regulations.
2. Anybody requested under Sub-Article (1) of this Article shall hand over the data immediately to the Committee.
3. Where the data is not available with the requested bodies, the committee shall conduct its own survey on the local market price of the property.

21. Records of Property

A *Woreda* or a city administration shall, for the purpose of the implementation of the Proclamation and these Regulations, record properties situated on a landholding subjected to an expropriation order.

22. Evidence of Possession and Ownership

Any person who claims for payment of compensation in accordance with the Proclamation and these Regulations shall produce proof of legitimate possession of the expropriated landholding and ownership of the property entitling compensation.

23. Valuation Costs

1. *Woreda* and city administrations shall cover the costs of valuation of properties in accordance with these regulations, including payment of per diem to members of the Committee in accordance with the relevant laws.
2. The costs referred to Sub-Article (1) of this Article shall be covered by the concerned IA where the expropriation is made upon its request.

24. Effective Date

These Regulations shall enter into force on the date of their publication in the Federal Negarit Gazeta.

Done at Addis Ababa this 4th day of July 2007

MELES ZENAWI

**PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF
ETHIOPIA**

Annex 8: List of Contacted Persons during the Fieldwork

No	Name	Position	Phone No.
1	Ato Desalegn G/hiwot	Deputy CEO, Port and Terminal Service Sector	922724603
2	Ato Taye Challa	<i>Modjo</i> Dry Port Director	91111192
3	Ato Abriham	Modo Dry Port Civil Engineer	
4	Ato T/Haymanot Araya	<i>Modjo</i> Dry Port Terminal Operation Manager	
5	Ato Aksumawi T/Mariam	<i>Modjo</i> Dry Port Ware House and Container Freight Station Officer	9111360975
6	Ato Birhanu Abdisa	<i>Modjo</i> Dry Port Safety and Security Manager Delegate and Safety Team Leader	910330278
7	Ato Dereje Wasie	<i>Modjo</i> Dry Port Security Team Leader	918023618
8	Ato Ashenafi Mersha	<i>Modjo</i> Dry Port Workers Association Delegate	913073356
9	Ato Adisu Trefe	<i>Modjo</i> Dry Port Clinic Manager	911922958
10	Ato Masersha Dessealegn	<i>Modjo</i> Dry Port Laboratory Technician	
11	Ato Gezahegn Tadesse	<i>Lume Woreda</i> Land and Environmental Protection Office Head	0911813109
12	Ato Deriba Birhanu	<i>Lume Woreda</i> Land Use Expert	0913836142
13	Ato Leulseged Tesfaye	<i>Lume Woreda</i> Administrator	0945460431
14	Ato Abaye Tekelu	<i>Kolba Gode Kebele</i> Development Agent	0912185900
15	Ato Abera Yami	<i>Kolba Gode Kebele</i> Manager	09122535
16	Ato Mesfin Deneqe	<i>Kolba Gode Kebele</i> Chairperson	0932103603
17	Ato Neguse Roba	<i>Modjo</i> Town Municipality Land Administration Vice head and Technical Section Head	0913836142
25	Ato Song Vincent	CCECC manager delegate and Design Engineer	